

LAWS
OF THE
STATE OF DELAWARE,

PASSED AT A

SPECIAL SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

ON THURSDAY, MAY 31ST, A. D. 1906

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND
THIRTIETH.

PUBLISHED BY AUTHORITY.

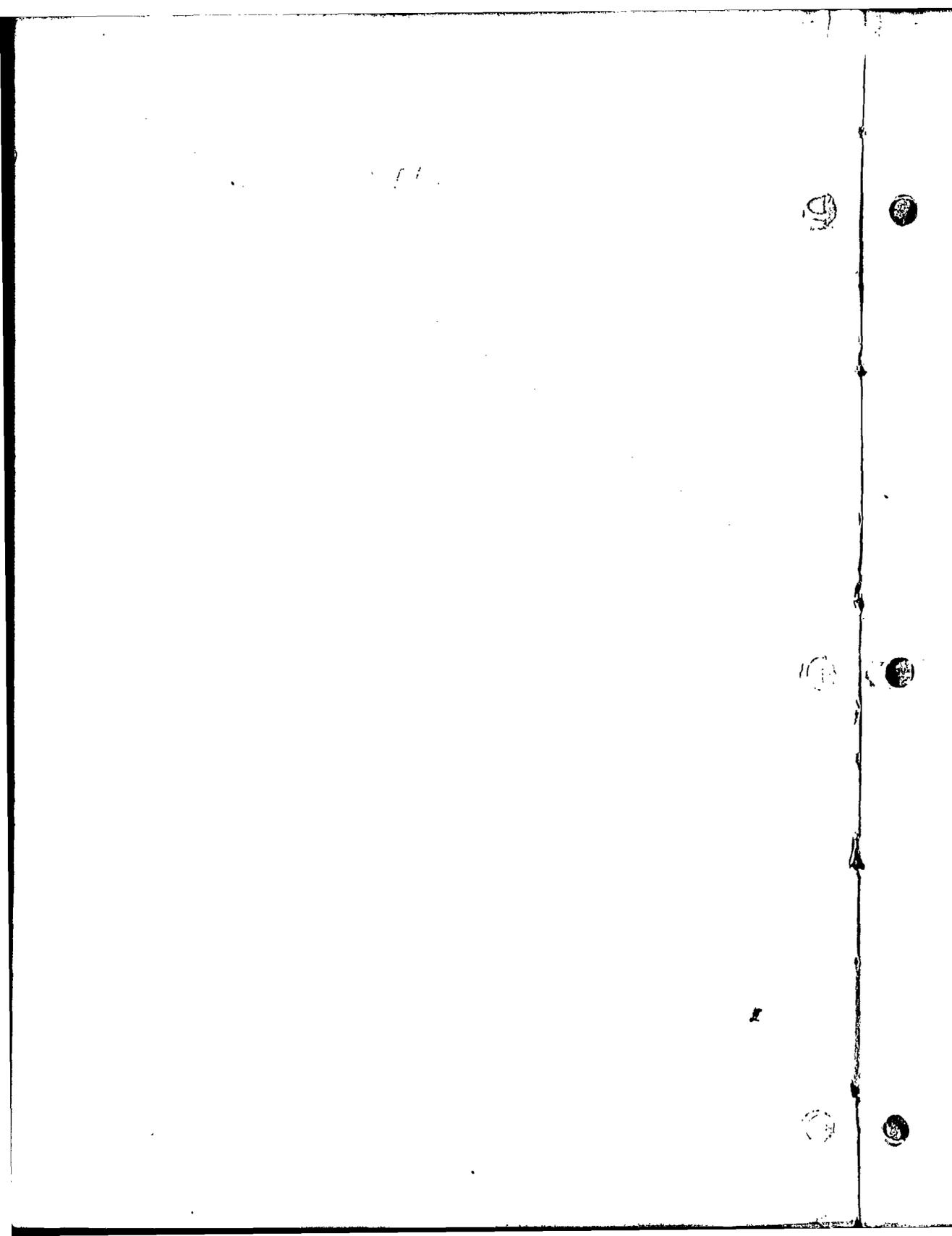
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LAWS OF DELAWARE.

TITLE SECOND.

Of the Public Revenue; and the Assessment, Collection and Appropriation of Taxes.

CHAPTER I.

OF THE REVENUES OF THE STATE.

AN ACT to Amend an Act Entitled "An Act to Raise Revenue for the State by Taxing Certain Corporations," being Chapter 166, Volume 21, Laws of Delaware, as Amended and Published as Chapter 15, Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 2 of an Act entitled "An Act to raise revenue for the State by taxing certain corporations," being Chapter 166, Volume 21, Laws of Delaware, as amended and published as Chapter 15, Volume 22, Laws of Delaware, be and the same is hereby amended by striking out the whole of said Section 2 of the Act so amended and published as aforesaid, and inserting in lieu thereof the following, viz:

"Section 2. That on or before the first Tuesday in January next and annually thereafter, it shall be the duty of the Presi-

Chapter 15,
Volume 22,
amended

OF THE REVENUES OF THE STATE.

Report to Sec-
retary of State

dent, Treasurer or other proper officer, or any two directors, of any corporation now existing or hereafter to be incorporated under the provisions of the laws of this State of the character specified in the preceding section, to make report to the Secretary of State, stating specifically the location of its principal office in this State, and the name of the agent upon whom service of process against said corporation may be served; the location or locations (town or towns, city or cities, street or streets and numbers, if numbers there be) of the place or places of business of said corporation without this State; the name and addresses of all the directors and officers of the company and when the terms of each expire; the amount of its authorized capital stock, if any, and the amount actually paid in; the date appointed for the next annual meeting of the stockholders for the election of directors; as well also the following particulars, namely: Each telegraph, telephone, cable or express company not owned by a railroad company and not otherwise taxed, shall state the gross amount of its receipts from business done in this State for the year preceding the making such report; each gas company and electric light company shall state the amount of its receipts for light or power supplied within this State for the year preceding the making of such report, and the amount of dividends declared or paid during the same time; each company organized for the distribution of heat or power or organized for the purpose of producing or distributing steam, heat or power, shall state the amount of its receipts for the distribution of heat or power, or for the production or distribution of steam, heat or power within this State for the year preceding the making of such report, and the amount of dividends declared or paid during the same time; each parlor, palace or sleeping car company shall state the gross amount of its receipts for fare or tolls for transportation of passengers within this State during the same time; each oil or pipe line company engaged in the transportation of oil or crude petroleum shall state the gross amount of its receipts from the transportation of oil or petroleum through its pipes or in and by its tanks or cars in this State during the same time; each fire, marine, live stock, casualty or accident insurance company shall state the total amount of premiums re-

OF THE REVENUES OF THE STATE.

ceived by it for insurance upon the lives of persons resident or property located within this State, during the same time.

Every other corporation shall file with the Secretary of State on or before the first Tuesday in January in each year an annual report, which shall state the location of the principal office in this State, and the name of the agent upon whom service of process against said company may be served; the location or locations (town or towns, city or cities, stating the streets and numbers, if numbers there be) of the place or places of business of said company without this State; the names and addresses of all the directors and officers of the company, and when the terms of each expire; the date appointed for the next annual meeting of stockholders for the election of directors; the amount of its authorized capital, the amount actually paid in, the amount invested in real estate, the tax annually thereon, and the amount invested in manufacturing or mining in this State, or both; and, if exempt from taxation under the provisions of the Act so amended and published as aforesaid, the specific facts entitling such corporation to exemption from taxation aforesaid.

Provided, that no part of this section shall apply to corporations as are now by law under the supervision of the Insurance Commissioner; if such report is not so made and so filed the corporation shall forfeit to the State the sum of two hundred dollars, to be recovered with costs in an action of debt, to be prosecuted by the Attorney General, who shall prosecute such actions whenever it shall appear that this section has been violated; and *provided further*, if such report shall not be so made and filed, all the directors of any such corporation who shall wilfully refuse to comply with the provisions thereof and who shall be in office during the default shall at the time appointed for the next election, and for a period of one year thereafter be thereby rendered ineligible for election or appointment to any office in the company as directors or otherwise; no director shall be thus disqualified for the failure and to make and file such report if he shall file with the Secretary of State before the time appointed for holding the next election of directors after such default, a certificate stating that he has endeavored to have such report made and filed,

OF THE REVENUES OF THE STATE.

but that the officers have neglected to make and file the same, and shall report the items required to be stated in such annual report so far as they are within his knowledge, or are obtainable from sources of such information open to him, verified by him to be true to the best of his knowledge, information and belief; the Secretary of State shall upon application furnish blanks in proper form and shall safely keep in his office all such reports, which reports shall be open to the inspection of all persons at proper hours.

Penalty for
failure to
report

In case any such corporation shall fail to file such report within the time required by this section, and in case of the agent in charge of the principal office of such company upon whom process against such company may be served shall die, or shall resign, or shall remove from the State, or such agent cannot with due diligence be found, it shall be lawful while such default continues, to serve process against such corporation upon the Secretary of State, and such service shall be as effectual to all intents and purposes as if made upon the president or head officers of such corporation, and within two days after such service upon the Secretary of State as aforesaid, it shall be the duty of the Secretary of State to notify such corporation thereof by letter directed to such corporation at its registered office, in which letter shall be inclosed a copy of the process or other paper served, and it shall be the duty of the plaintiff in any action in which said process shall be issued to pay to the Secretary of State, for the use of the State, the sum of three dollars, which said sum shall be taxed as a part of the costs in said suit if the plaintiff shall prevail therein; the Secretary of State shall keep a book to be called the "process book," in which shall be entered alphabetically, by the name of the plaintiff and defendant therein, the title of all causes in which processes have been served upon him, the teste of the process so served and the return day thereof, and the day and hour when the service was made."

Approved June 29, A. D. 1906.

OF THE REVENUES OF THE STATE.

CHAPTER 2.

OF THE REVENUES OF THE STATE.

AN ACT to Provide for the Collection of the Revenue of the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That upon the neglect or refusal of any corporation, incorporated under the laws of this State, to pay the State Tax assessed against it, the State Treasurer shall suggest and the Governor may appoint an agent or agents within or without the State, for the collection of the said delinquent State Tax. The reasonable compensation of such agent or agents shall be borne by such delinquent corporations and may be recovered therefrom in an action of debt in any court of competent jurisdiction in this State by such agent or agents so appointed to collect said delinquent State taxes.

Governor may appoint agents to collect State tax

Compensation, how paid

When the delinquent corporations shall be shown to be insolvent and without assets, the said reasonable compensation of such agent or agents shall be paid by the State, by a warrant or warrants of the Governor upon vouchers duly approved by and filed in the office of the State Treasurer.

The Governor may at any time revoke any such appointment of such agent or agents: such revocation to be effected by an order in duplicate, signed by the Governor, one of which shall be mailed to such agent or agents and the other filed in the office of the State Treasurer.

Governor may revoke appointment

Approved June 29, A. D. 1906.

RESOLUTIONS.

CHAPTER 3.

Senate Resolution appropriating certain money out of the State Treasury to pay the compensation of the members of the Senate and certain expenses connected with the present Extraordinary Session of the General Assembly.

Appropriation
for salaries of
members of
Senate, its
Clerks, etc.

Be it resolved, That the following amounts be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the compensation of the members of the Senate and the expenses connected with the Extraordinary Session thereof, viz:

Isaac T. Parker.....	\$ 78.00
Alvin B. Conner, President pro tem.....	78.00
George W. Sparks,.....	65.00
Thomas M. Monaghan,.....	65.00
Thomas J. Stirling,.....	65.00
John M. Mendinhal,.....	65.00
Artemas Smith.....	65.00
David C. Rose,.....	65.00
John A. Latta,.....	65.00
John W. Houston,.....	65.00
Remsen C. Barnard,.....	65.00
Simeon S. Pennewill,.....	65.00
David H. Boyce,.....	65.00
Archie B. Lingo,.....	65.00
Thomas W. Jefferson,.....	65.00
Thomas C. Moore,.....	65.00
J. Edward Goslee, Clerk,.....	165.00
C. Sherburne Rice, Acting Reading Clerk,.....	65.00
Rev. G. P. Smith, Chaplain,.....	25.00

HOUSE RESOLUTION.

Henry M. Lang, Sergeant-at-Arms,.....	65.00
Theodore L. Cook, Page,.....	13.00
Fannie S. Harrington, for typewriting.....	10.00
J. E. Goslee,.....	20.00
The Sentinel Printing Co.....	5.00

Passed June 14, A. D. 1906.

CHAPTER 4.

House Resolution appropriating certain money out of State Treasury to pay expenses incurred by the House at the Extraordinary Session, 1906.

Be it Resolved, by the House of Representatives, that the several sums of money hereinafter named, be and the same are hereby appropriated to pay the expenses incurred by the House at this Extraordinary Session, 1906 and the State Treasurer is hereby authorized and directed to pay the same in the following sums, to wit:—

Appropriation for salaries of members of House, its Clerks, etc.

Henry Stafford.....	\$ 65.00
Willard S Meredith.....	65.00
M. Howard Jester.....	65.00
Dr. T. O. Cooper.....	65.00
Frank M. Sevier.....	65.00
Jacob K. Hanby.....	65.00
William H. Miller.....	65.00
William M. Eastburn.....	65.00
John P. Armstrong.....	65.00
Elwood L. Wilson.....	65.00
John B. Mahoney.....	65.00
Willard T. Smith.....	65.00
Frank J. Penington.....	65.00
Edward Hart.....	65.00
Andrew J. Wright.....	65.00

HOUSE RESOLUTION.

William H. Baggs.....	65.00.
William D. Denney.....	78.00
Gamaliel Garrison.....	65.00.
Thomas C. McGinnis.....	65.00
Alden R. Benson.....	65.00
John G. Meredith.....	65.00
Daniel B. Murray.....	65.00
Frank J. Prettyman.....	65.00.
Frank W. Davis.....	65.00
Charles D. Abbott.....	65.00
John T. Vandenburg.....	65.00
Daniel W. Ellis.....	65.00
Charles W. Messick.....	65.00
Edward Pierce Ellis.....	65.00
Rufus D. Lingo, Jr.....	65.00
Timothy E. Townsend.....	65.00
Henry O. Bennum.....	65.00
Harry V. Lyons.....	65.00.
Thomas S. Lewis, Clerk.....	65.00
Theodore Burton, Reading Clerk.....	65.00
A. V. L. George, Enrolling Clerk.....	65.00
Rev. L. E. Barrett, Chaplain.....	25.00
James M. Satterfield, Attorney.....	25.00.
W. B. Macklin, Sergeant-at-Arms.....	65.00
Charles Swain, Page.....	5.00
Thomas S. Lewis, Clerk for printing.....	13.67
Edith B. Ingersoll, typewriting.....	10.00
Charles Swain, Page extra.....	8.00
Thomas S. Lewis, indexing and Printing Journal..	100.00.

Passed June 14, A. D. 1906.

SENATE JOINT RESOLUTION.

CHAPTER 5.

Senate Joint Resolution No. 1 providing for an adjournment of the General Assembly until Monday, June 11th, A. D. 1906.

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,

That when the Senate and House of Representatives ad- Adjournment
journ on this 31st day of May, A. D. 1906, they do adjourn
to meet Monday, June 11th, A. D. 1906, at 5.30 P. M.
o'clock.

Approved May 31, A. D. 1906.

CHAPTER 6.

SENATE JOINT RESOLUTION NO. 2.

Senate Joint Resolution fixing the time for final adjournment of the General Assembly.

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Senate and House of Representatives in extraor- Adjournment
dinary Session now assembled will adjourn without date on
Thursday, the fourteenth day of June, A. D. 1906, at 12
o'clock Noon.

Approved June 13, A. D. 1906.



LAWS
OF THE
STATE OF DELAWARE,

PASSED AT A
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 1ST, A. D. 1907

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND
THIRTY-FIRST.

PUBLISHED BY AUTHORITY.

VOLUME XXIV—PART II.

1907 :
THE DELAWAREAN PRINT,
DOVER, DEL.



LAWS OF DELAWARE.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its Legislation
and Laws.

CHAPTER 7.

AMENDMENT TO CONSTITUTION.

AN ACT Proposing an Amendment to Section 4 of Article V, of the Constitution of this State by striking out of said Section all thereof which Requires the Payment of Money as a Qualification to Register.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House agreeing therein):

Section 1. That Section 4 of Article V of the Constitution of this State, be and the same is hereby amended by striking out of said Section 4 the following words: "and each voter shall, at the time of his registration, pay a registration fee of one dollar, for the use of the County where such registration is paid."

Amendment to
Section 4, Article
5 of Constitution
relating to
Registration
Fee

Approved January 21, A. D. 1907.

AMENDMENT TO CONSTITUTION.

CHAPTER 8.

AMENDMENT TO CONSTITUTION.

AN ACT Proposing an Amendment to Section 15 of Article 2 of the Constitution of the State of Delaware, relating to the Compensation of the Members and Presiding Officers of the General Assembly.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met; (two-thirds of all the members elected to each House agreeing):

Proposed
amendment to
Section 15, Article
2 of Consti-
tution, increas-
ing compensa-
tion of mem-
bers of the Gen-
eral Assembly

Section 1. That the following amendment be and the same is hereby proposed to Section 15 of Article 2 of the Constitution of Delaware;

That the word "five" be stricken out of the third line of said Section 15, Article 2 of the Constitution, and the word "ten" be inserted in lieu thereof, and the word "six" be stricken out of the fourth line of Section 15, Article 2 of the Constitution, and the word "twelve" be inserted in lieu thereof.

Richard Hodgson,
Speaker of the House.

Isaac T. Parker,
President of the Senate.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 9.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT to Provide for the Collection and Deposit with the Secretary of State, for Preservation, of the Books, Papers, Documents, Excerpts, Records and Evidence Collected by the Attorneys for the State of Delaware, for use in the Suit lately pending in the United States Supreme Court between the State of Delaware and the State of New Jersey.

Whereas, by a joint resolution of the General Assembly of ^{Preamble} the State of Delaware, approved March 30th, 1905, Preston Lea, Governor, Robert H. Richards, Attorney General, Herbert H. Ward and George H. Bates, Commissioners representing the State of Delaware, were required to collect the books, documents, papers, excerpts and records collected by the attorneys for the State, for use in support of her claim in the suit then pending in the United States Supreme Court, between the State of Delaware and the State of New Jersey, and turn the same over to the Secretary of State for preservation; and

Whereas, the said Commissioners have failed to so collect ^{Preamble} and turn over the said books, documents, papers, excerpts and records, or any of them; and

Whereas, nearly all of the said books, documents, papers, ^{Preamble} excerpts and records are the property of the State, having been purchased, made or produced at the expense of the State, and are of great value to the State, not only historically but also as evidences of its territorial title;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Attorney General of Delaware be and he is hereby authorized and directed to collect and procure, by suit or otherwise as may be necessary, all of the said books, documents, papers, excerpts, records, and the copies of the testimony and evidence in said cause, which are in the possession or control of the counsel for the State in said cause, and which were purchased, made or produced at the

Attorney General directed to procure and deliver to Secretary of State, books, etc., collected in said suit

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

expense of the State, and to deposit the same, when so procured and collected, in the office of the Secretary of State for preservation.

Attorney General authorized to institute suit if necessary

In the performance of the duties hereby prescribed, the Attorney General is hereby authorized to institute such actions in the name of the State of Delaware in the courts of this State, or elsewhere, against any of the said counsel for the State, or any other person, and to incur such reasonable expense, as shall be necessary. The State Treasurer is authorized and directed to pay out of the money in the State Treasury not otherwise appropriated, all expenses made necessary by the provisions of this act, upon itemized accounts rendered to the State Treasurer by the Attorney General from time to time, provided that before such payment such accounts shall be marked "approved" by the Governor.

State Treasurer directed to pay expenses

Approved March 29, A. D. 1907.

CHAPTER 10.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT giving the Consent of the Legislature of the State of Delaware to the Purchase by the United States of land within this State to be used as a target range.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Consent of State to purchase of land by U.S. Government for target range

Section 1. That the consent of the Legislature of Delaware be and the same is hereby given to the purchase by the Government of the United States, or under the authority of the same, of any tracts, pieces or parcels of land, which may be suitable for the purpose hereinafter mentioned, and to be selected by the Governor, not exceeding Five Hundred Acres in the aggregate, from any individual or individuals,

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

bodies political or corporate, within the boundaries or limits of the State of Delaware, to be used as a Target Range by the National Guard of the State of Delaware, and for the purpose of erecting thereon such buildings as may be necessary for said use. All deeds, conveyances, or title papers for the same shall be recorded as in other cases upon the land records of the County in which the land so conveyed may be situated; and in like manner may be recorded a sufficient description, by metes and bounds, courses and distances, of any tracts or legal divisions of any public land belonging to the United States, which may be set apart by the General Government for any of the purposes before mentioned, by an order patent, or other official document or papers so describing such land. The consent herein given being in accordance with the eighteenth clause of the eighth section of the first article of the Constitution of the United States, and with the Acts of Congress in such cases made and provided.

Section 2. The lots, tracts or parcels of land so selected, together with the tenements and appurtenances, for the purposes before mentioned, shall be held exempt from taxation by the State of Delaware.

Such lands
exempt from
taxation

Section 3. The sovereignty and jurisdiction of this State shall extend over all lands hereafter acquired by the United States within the limits of this State, so far as that all civil and criminal process, issued by virtue of any law of this State, may be executed in part of the lands so acquired or the building or structures thereon erected.

Sovereignty
and jurisdic-
tion of State to
extend over
such lands

Approved February 11, A. D. 1907.

OF PUBLIC LANDS.

CHAPTER II.

OF PUBLIC LANDS.

AN ACT to cede certain lands to the United States of America.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Ceding certain
submerged
lands to U. S.
Government

Section 1. That all the right, title, interest and property of this State in and to certain submerged land in the Delaware River between the States of Delaware and New Jersey, the location of said land, with reference to the United States Engineer Department triangulation of the said river, being more specifically described as follows:

Beginning at a point A in said land distant four thousand three hundred and fifteen feet from triangulation Station Stony Point on a line South sixty-five (65) degrees, forty-one (41) minutes West therefrom; this point A being also North sixty-two (62) degrees, fifty (50) minutes and twenty-six (26) seconds West, ten thousand eight hundred fifteen and nine tenths (10,815.9) feet from triangulation Station Hope; thence from A North seven (7) degrees and thirty three (33) minutes West, two thousand and six and two-tenths (2,006.2) feet to B; thence North five (5) degrees and forty-seven (47) minutes West, three hundred eighty-two and six-tenths (382.6) feet to C; thence from C, North three (3) degrees fifty-three (53) minutes West, eight thousand one hundred and fifty-five (8,155) feet to D; thence from D, North seven (7) degrees forty-nine (49) minutes and twenty (20) seconds West, four thousand five hundred and nineteen (4,519) feet to E; the beginning of a curve the degree of which is thirty (30) degrees eleven (11) minutes and twenty-five (25) seconds and which covers a central angle of one hundred and fifty-two (152) degrees four (4) minutes and ten (10) seconds to F. The bearing and length of the chord from E to F is North eighty-three (83) degrees fifty-one (51) minutes and twenty-five (25) seconds West; three hundred and seventy-two and six-tenths (372.6) feet. Point E is also South eighty-three (83) degrees fifty-two (52) minutes and forty-

OF PUBLIC LANDS.

five (45) seconds West, two thousand eight hundred twelve and seventy-six hundredths (2,812.76) feet from triangulation Station Alloway Creek; thence from F South twenty (20) degrees six (6) minutes and thirty (30) seconds West, one thousand one hundred and five (1,105) feet to G; thence from G South eleven (11) degrees thirty-one (31) minutes West, six hundred and eighty-three (683) feet to H; thence from H South four (4) degrees twenty (20) minutes and ten (10) seconds West, six thousand seven hundred and forty-seven (6,747) feet to K; thence from K South seven (7) degrees seventeen (17) minutes and thirty (30) seconds East, two thousand nine hundred twenty-two and six-tenths (2,922.6) feet to M; thence from M along a fifty-nine (59) minute curve, covering a central angle of twenty-five (25) degrees and twenty-eight (28) minutes to N. The bearing and length of the chord from M to N is south twenty (20) degrees and three (3) minutes east, two thousand five hundred and sixty-eight and four-tenths (2,568.4) feet; thence from N South thirty-two (32) degrees forty-seven (47) minutes East, one thousand eight hundred nine and eight-tenths (1,809.8) feet to O; thence from O along a sixteen (16) degree twenty-five (25) minute and thirty-six (36) seconds curve, covering a central angle of one hundred and fifty-four (154) degrees and forty-six (46) minutes to A, the place of beginning. The bearing and length of the chord from O to A, the place of beginning, is north sixty-nine (69) degrees and fifty (50) minutes East, six hundred and eighty-three and one-tenth (683.1) feet, containing five hundred and eighty-three (583) acres more or less shall be and hereby are ceded to and vested in the United States of America, as fully, absolutely and to the same extent, as this State now holds and is entitled to the same, together with the jurisdiction thereof.

Section 2. That the sovereignty and jurisdiction of this State shall extend over the land hereby ceded to and vested in the United States of America, so far as that all civil and criminal process issued under any law of this State may be executed in any part of said land and in any building now erected or that may hereafter be erected on said land.

Sovereignty
and jurisdiction
of State to
extend over
lands

Approved April 4, A. D. 1907.

OF PUBLIC LANDS.

CHAPTER 12.

OF PUBLIC LANDS.

*HOUSE SUBSTITUTE for House Bill No. 201, entitled "An Act Providing for the Survey and Sale of Certain Public Lands of the State".

AN ACT Providing for the Survey of Certain Public Lands of the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Public Lands
Commission

Section 1. That Isaac T. Parker, Manlove Hayes and Ebe W. Tunnel, be and they are hereby created and constituted a Commission to ascertain the location of and have surveyed the lands of the State of Delaware lying near the ocean in Sussex County between the State of Maryland on the South and Cape Henlopen on the North. Vacancies in the said Commission by death, resignation or otherwise shall be filled by the Governor.

Vacancies to
be filled by
Governor

Commission,
duties of

Section 2. That it shall be the duty of the said Commission to ascertain the location and quantity of said public lands and to cause the same to be surveyed by a careful and skillful surveyor to be by them selected, and to cause a plot of the same to be made, designating the said lands and all lands of adjoining owners, also designating such lands as are now claimed by any persons and such lands as are now occupied and enclosed and the names of the persons by whom they are occupied or enclosed.

Return of
Commission to
Governor

Section 3. Said Commission shall make return of their proceedings, accompanied by a plot or survey of the said lands as aforesaid to the Governor, who shall lay the same before the next session of the General Assembly. Such return shall set out in detail all the proceedings of the said Commission and surveyor and all items of expense connected with the making of such survey.

Compensation
of Commission
and its
employees

Section 4. The said Commission shall receive for their services Five Dollars each per day for each day actually spent on said work, not to exceed Fifty Dollars each, and said sur-

* So Enrolled.

OF THE STATE HOUSE.

veyor shall receive for his compensation such sum as shall be fixed and allowed by said Commission, which shall be paid by the State Treasurer out of any moneys not otherwise appropriated, upon the orders of the said Commission.

Approved March 29, A. D. 1907.

CHAPTER 13.

OF THE STATE HOUSE.

AN ACT Providing for Repairs and Alterations in the State House.

Whereas, The State House is in need of repairs and certain alterations and Preamble

Whereas, The General Assembly considers it proper and fitting that such repairs and alterations should be made, therefore Preamble

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That a Commission consisting of four members, the Governor being one, one member of the Senate and two members of the House, is hereby created and established, whose duties it shall be to cause to be made, such changes or alterations in the State House as they may deem necessary; at a cost not to exceed the sum of Five thousand dollars. State House Commission

The members of said Commission, other than the Governor, shall be selected by the presiding officers of the respective Houses. Commission, how selected

The said Commission shall have all needful power and authority therefor when appointed. They shall advertise for proposals for all work to be done under the provisions of Work done under contract to lowest bidder

OF THE STATE HOUSE.

Commission to
report to Gen-
eral Assembly

this Act and shall award the contract or contracts therefor to the lowest and best bidder or bidders. All such bids shall be opened publicly in the presence of the bidders if they desire to be present. The said Commission shall render an account of its expenditures, together with all vouchers for the same, together with a full report of their proceedings to the next session of the General Assembly, and all bills contracted by them before payment, shall be audited by the State Auditor and, if approved by him, shall be paid by the State Treasurer upon warrants drawn upon him by said Commission.

Compensation
of Commission

Funds, how
drawn

The Acts of a majority of said Commission shall be as valid as if agreed upon by all. Said Commissioners shall be paid for their services, a reasonable compensation to be fixed and allowed by the next session of the General Assembly. The Commission shall have power from time to time in the manner, hereinbefore provided, to draw upon the State Treasurer for such sum or sums of money as they may deem necessary to complete the said work; provided, however, that such sum or sums in the aggregate shall not exceed the sum of Five Thousand Dollars.

Approved April 4, A. D. 1907.

OF THE PASSING AND PUBLICATION OF LAWS.

CHAPTER 14.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to amend an Act entitled "An Act to Amend Chapter 4 of the Revised Statutes of the State of Delaware, Relating to the Passing and Publication of Laws", being Chapter 9, Volume 21, Laws of Delaware, Increasing the Number of Volumes to be Printed and Bound.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1 of Chapter 9, Volume 21, Laws of Delaware, entitled "An Act to amend Chapter 4 of the Revised Statutes of the State of Delaware, relating to the passing and publication of laws", be and the same is hereby amended by striking out the word "two" in the twenty-first line thereof and inserting the word "five" in lieu thereof; and by striking out the word "three" in the twenty-sixth line thereof and inserting the word "six" in lieu thereof.

Chapter 9,
Volume 21,
amended, in-
creasing the
number of vol-
umes of Laws
to be printed

Section 2. That Section 2 of the Act aforesaid, be and the same is hereby amended by striking out the word "three" in the fourteenth line thereof and inserting the word "six" in lieu thereof.

Increasing
number of
volumes to be
bound

Approved March 14, A. D. 1907.

OF THE PASSING AND PUBLICATION OF LAWS.

CHAPTER 15.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to Revive and Extend the Time for Recording Private Acts.

Preamble

Whereas, By Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely such as are not of a public nature or published as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they shall be void; and

Preamble

Whereas, A number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment; therefore, for the purpose of relieving the parties interested of the embarrassments and dissappointments arising from such neglect in the premises; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Certain void acts re-enacted

Section 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not by special acts been repealed or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force for the period mentioned in the original acts, and to have the same force and effect as if the said acts had been severally recorded according to law, and all acts and transactions done and performed under the provisions of said Acts and property and other rights accrued thereunder, shall have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law; provided, that this enactment shall not take effect in the case of any act that has become void as aforesaid, until a certified copy thereof shall be duly recorded

Acts done under void acts made valid

Provided copy, duly certified of void acts be recorded

OF THE PASSING AND PUBLICATION OF LAWS.

in the Recorder's office of one of the counties of this State; and, provided further, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this Act.

Section 2. That this act shall be deemed and taken to be a public act and shall be published as such.

Approved February 14, A. D. 1907.

TITLE SECOND.

Of the Public Revenue, and the Assessment, Collection and
Appropriation of Taxes.

CHAPTER 16.

OF PUBLIC REVENUE.

AN ACT Making Appropriations for the Expenses of the State Government other than the Legislative Expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and eight.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appropriation
for year 1907

Section 1. That the several amounts named in this Act or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers, and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and eight; provided, however, that all parts or portions of the several sums appropriated by this Act, which, on said Monday immediately preceding said second Tuesday of January, A. D. 1908, shall not have been paid out of the treasury, shall be returned to the general fund of the treasury. The said several sums hereby appropriated are, as follows; viz:

OF PUBLIC REVENUE.

For the Governor for salary, Two Thousand Dollars. Governor

For the contingent expenses of Governor's office, One Thousand Dollars.

For the Lieutenant Governor, salary as member of Board of Pardons, One Hundred Dollars. Lieutenant Governor

For the Chancellor for salary, Four Thousand Five Hundred Dollars. Chancellor

For the Chancellor for reporting, Two Hundred Dollars.

For the Chancellor to pay contingent expenses of the Court of Chancery, Two Hundred Dollars.

For the Chancellor in payment of one hundred copies of his reports, Eight Hundred Dollars.

For the stenographer of the Court of Chancery for salary, Twelve Hundred Dollars. Stenographer for Chancellor

For Chief Justice for salary, Four Thousand Five Hundred Dollars. Chief Justice

For the associate judges for salaries, Sixteen Thousand Dollars. Associate Judges

For the associate judge resident in Kent County for reporting, Two Hundred Dollars. Associate Judge of Kent Co.

For the associate judge resident in Kent County for one hundred copies of Pennewill's Delaware Reports, Volume 5, One Thousand Dollars. Pennewill's reports

For the Court Stenographer for salary, Two Thousand Dollars. Court Stenographer

For transcript for the Supreme Court and assistant stenographer, Five Hundred Dollars.

For the Secretary of State for salary, One Thousand Dollars. Secretary of State

For the Secretary of State as compensation for performing the duties imposed upon him by the provisions of an Act entitled "An Act to raise revenue for the State by taxing certain corporations", approved A. D. 1899, the sum of Five Hundred Dollars.

OF PUBLIC REVENUE.

For the Secretary of State to pay the contingent expenses of his office, Fifteen Hundred Dollars.

For the Secretary of State to pay cost of official bond, Fifty Dollars.

For the Secretary of State for indexing and preparing for publication the laws of the session of the Legislature in the year, A. D. 1907, Five Hundred and Fifty Dollars.

Stenographer
for Governor
and Secretary
of State

For the stenographer and typewriter for the Governor and Secretary of State for salary, Nine Hundred Dollars.

Attorney
General

For the Attorney General for salary, Twenty-five Hundred Dollars.

Deputy Attor-
neys General

For the Deputy Attorneys General for salary, Two Thousand Dollars.

Contingent
fund of Attor-
ney General

For contingent expenses for the Attorney General for paying expenses and criminal prosecutions, Twelve Hundred Dollars.

State Detective

For the two State Detectives for salaries, Twenty-four Hundred Dollars.

For actual expenses in serving requisition papers, Five Hundred Dollars.

State Treasurer

For the State Treasurer and Trustee of the School Fund for salary, One Thousand Four Hundred and Fifty Dollars.

For the State Treasurer to purchase free text books under Section 22, Chapter 67, Volume 21, Laws of Delaware, Five Hundred Dollars.

For the State Treasurer for contingent expenses, Five Hundred Dollars.

For the State Treasurer for paying costs of his official bond for the term, Four Hundred and Fifty Dollars.

Auditor of
Accounts

For the State Auditor of Accounts for salary, Two Thousand Dollars.

For the Auditor of Accounts for contingent expenses exclusive of clerical assistance, Five Hundred Dollars.

OF PUBLIC REVENUE.

For the Insurance Commissioner for salary, Fifteen Hundred Dollars. Insurance Commissioner

For the Insurance Commissioner for services as State Supervisor of Banks, Trust Companies, &c., under Chapter 330, Volume 22, Laws of Delaware, Five Hundred Dollars.

For the Insurance Commissioner to pay the necessary expenses of his office, such as postage, stationery, &c., Five Hundred Dollars.

For the Insurance Commissioner for contingent expenses as Supervisor of Banks, Trust Companies, &c., Three Hundred Dollars.

For the Insurance Commissioner to pay salary of his clerk, Six Hundred Dollars. Insurance Commissioner, Clerk of

For the Insurance Commissioner to pay clerk under Chapter 330, Volume 22, Laws of Delaware, Three Hundred Dollars.

For the State Librarian for salary, Eight Hundred Dollars. State Librarian

For the State Librarian for contingent expenses, One Hundred and Fifty Dollars.

For the State Librarian to purchase law books for the State Library, Five Hundred Dollars.

For the Janitor of the State House for salary, Five Hundred Dollars. Janitor

For the Fish Commissioner for salary, and all necessary expenses in discharging the duties of his office, Five Hundred Dollars. Fish Commissioner

For contingent expenses of Fish Commissioner to pay for postage and stationery, travelling expenses, &c., One Hundred and Twenty-five Dollars.

For hatching, propagation, &c., of food fish under Chapter 559, Volume 18, Laws of Delaware, Six Hundred Dollars. Propagation of food fish

For the Oyster Revenue Collector for salary, Seven Hundred Dollars. Oyster Revenue Collector

OF PUBLIC REVENUE.

Oyster Watch Boat crew For the payment of officers and crew of watch boat for the protection of oysters, Twenty-three Hundred and Forty Dollars.

Public Schools For the benefit of the Free Public Schools in addition to the income arising from the investments of the public school fund, to be used exclusively for the payment of teachers salaries and furnishing free text books, One Hundred and Thirty-two Thousand Dollars.

County School Superintendents For the Three County Superintendents of Schools, Thirty-six Hundred Dollars.

For contingent expenses for the three County Superintendents of Schools, Nine Hundred Dollars.

Teachers Institute, white For the expenses of holding the white teachers Institute in the several counties of this State, Four Hundred and Fifty Dollars.

Teachers Institute, colored For the expenses of holding Colored Teachers Institute, One Hundred and Fifty Dollars.

State Board of Education and County School Commissioners For the purpose of paying the expenses of the State Board of Education and also the expenses of County School Commissioners under the Act entitled "An Act providing for the establishment of a General System of Free Public Schools", passed at the adjourned session of the Legislature 1898, Twenty-five Hundred Dollars.

Students attending graded schools For the State Treasurer to carry out the provisions of "An Act providing graded school facilities for the children of this State", approved at Dover, March 9, 1899, and amended in 1907, Thirteen Thousand Dollars.

For the United School Districts of Smyrna, Dover, Milford, Seaford, to cover deficiency in the appropriation under the act providing graded school facilities for the children of this State, Three Hundred and Seventy-five Dollars and Fifty-five cents.

Delaware College For the Trustees of Delaware College for the use of said College, being its share of the appropriation made by the General Government for the year 1907, Twenty Thousand Dollars.

OF PUBLIC REVENUE.

For the Trustees of the State College for Colored Students for the use of said College, being its share of appropriation made by the general Government for the year 1907, Five Thousand Dollars. State College for Colored Students

For the Delaware Industrial School for Girls, Three Thousand Dollars. Delaware Industrial School for Girls

For St. Michaels Day Nursery Hospital for Babies, Five Hundred Dollars. St. Michaels Day Nursery Hospital

For the President of the Board of Trustees of the State Hospital at Farnhurst for visiting the institutions outside of the State in which are being instructed at the expense of the State indigent deaf and dumb, indigent blind, and indigent idiotic children, and for making report to the Governor concerning the same, One Hundred Dollars. President of State Hospital at Farnhurst, report of

For the purchase of books, maps and other appliances for the use of the blind, One Hundred Dollars. Books, &c., for blind

For the maintenance and instruction of the indigent deaf and dumb, and indigent blind and indigent idiotic children in institutions outside of the State, Ten Thousand Dollars. Deaf, dumb, blind and idiotic children

For the Delaware Society for the prevention of cruelty to children for the purpose of enforcing laws, etc., Nine Hundred Dollars. Delaware Society for prevention of cruelty to children

For the State Library Commission under the provisions of Chapter 362, Volume 22, Laws of Delaware, Seven Hundred Dollars. State Library Commission

For the State Library Commission, Contingent expenses, Two Hundred Dollars.

For Libraries in School Districts, Three Hundred Dollars. Libraries in school districts

For the Chairman of the Committee on travelling libraries, of the State Federation of Women's Clubs for Delaware the sum of One Hundred Dollars for the purpose of establishing Travelling Libraries. Travelling Libraries

For the Historical Society of Delaware for the use thereof Three Hundred Dollars. Historical Society of Delaware

OF PUBLIC REVENUE.

- National Guard of Delaware For the purpose of carrying into effect the provisions of the Act entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware" passed May 7, 1897, as amended, Five Thousand Dollars.
- For the National Guard of Delaware for field practice, Eight Thousand Dollars.
- For the National Guard of Delaware under provisions of Act passed 1907, Twenty-five Hundred Dollars.
- Indigent soldiers, sailors and marines For the burial of Indigent Soldiers, Sailors and Marines, Seven Hundred and Fifty Dollars.
- G. A. R. Memorial For G. A. R. Memorial day expenses, One Thousand Dollars.
- State Board of Health For the State Board of Health, Twenty-five Hundred Dollars.
- Bacteriologist For the salary of the Bacteriologist and all expenses of the Pathological and Bacteriological Laboratory at Delaware College, Twenty-five Hundred Dollars.
- Medical Council For Medical Councils of Delaware, Three Hundred Dollars.
- Horticultural Society For the Peninsula Horticultural Society, Five Hundred Dollars.
- Farmers Institute For the Farmers Institute for the purpose of defraying incidental expenses of holding same, Six Hundred Dollars.
- State Board of Agriculture For the State Board of Agriculture, Three Thousand Dollars.
- Immigration Board For Immigration Board for the purpose of encouraging Immigration, Twenty-five Hundred Dollars.
- Infectious diseases among lower animals For the purpose of Defraying expenses involved in eradicating infectious diseases among lower animals, Twelve Hundred Dollars.
- Water for State House To the Town of Dover to pay for water for the use of the State House, One Hundred Dollars.

OF PUBLIC REVENUE.

For the Diamond State Telephone Company, one years Telephone for
rent for telephone for State House, Twenty-five Dollars. State House

For Insurance against fire on property belonging to the Insurance on
State, One Thousand Dollars. State property

For the State Treasurer for repairs to the State Property, Repairs to
One Hunderd Dollars. State property

For repairing, heating, etc. the State House, One Thous- Heating, &c.,
and Dollars. State House

Interest on the State Debt, Thirty-seven Thousand Five Interest on
Hundred Dollars. State Debt

Printing Acts and Resolutions of the General Assembly Printing
and for all other printing done for the benefit and use of the
State, Seven Thousand Dollars.

For the Delaware State Hospital at Farnhurst, Forty Delaware State
Thousand Dollars. Hospital at
Farnhurst

New Castle County Highway Commissioner for salary, New Castle Co.
One Thousand Dollars. Highway
Commissioner

For Public Highways in New Castle County, Ten Thous- Public high-
and Dollars. ways, New
Castle Co.

For Public Highways in Kent County, Ten Thousand Kent county
Dollars.

For Public Highways in Sussex County, Ten Thousand Sussex county
Dollars.

For Factory Inspector, One Thousand Dollars. Factory
Inspector

For Registration Officers for Special Election, Fifty-five Registration
Hundred Dollars. officers

Board of State Supplies Contingent Fund, Five Hundred Board of
Dollars. State supplies

Divisions of Records, Five Hundred Dollars. Division of
records

Redemption of Bonds, Two Hundred and Fifty Thousand State Bonds,
Dollars. redemption of

OF PUBLIC REVENUE.

Department of Elections of Wilmington	Department of Elections for the City of Wilmington, Forty-three Hundred Dollars.
State bonds	Expenses incident to the issuance of State Bonds, Seven Hundred and Fifty Dollars.
State House, repairs of	For Repairs and Alterations of State House under Act passed A. D. 1907, Five Thousand Dollars.
Revenue and Taxation Commission	Act providing for the creation of a Revenue and Taxation Commission, Fifteen Hundred Dollars.
State Board of Pharmacy	For the State Board of Pharmacy, under Act of 1907, Two Hundred and Fifty Dollars.
Public lands survey	Expenses incident to surveying of Public Lands under Act of 1907, One Hundred and Fifty Dollars.
Monument to Brig. Gen. John Dagworthy	For monument to Brigadier General, John Dagworthy, Five Hundred Dollars.
Farnhurst, new building	For an additional building at Farnhurst, Forty Thousand Dollars.
Clerk of Senate	For Clerk of Senate for preparing, indexing and superintending the printing of his Journal, Five Hundred and Fifty Dollars.
Clerk of House	For the Clerk of the House of Representatives for preparing, indexing and superintending the printing of his Journal, Five Hundred and Fifty Dollars.
Printing corporation laws	Secretary of State for printing and publishing the Corporation Laws, Three Hundred and Fifty Dollars.
Organized militia at Jamestown	For expenses of taking the Organized Militia to the Jamestown Exhibition in the event that the Governor deems it advisable to have the field manoeuvres in the State of Virginia in the year 1907, to be paid on the warrant of the Adjutant General, Twenty-five Hundred Dollars.
Night watchman	For night watchman for State House, One Hundred Dollars.
Fish, oyster and game laws	For compiling the Fish, Oyster and Game Laws, Fifty Dollars.

OF PUBLIC REVENUE.

For special instructors for the indigent blind, Twelve Hundred Dollars. Blind, instruction for

For the Adjutant General for salary under Act of 1907, Six Hundred Dollars. Adjutant General

For the Ferris Reform School for carrying out the provisions of compulsory school law, Five Hundred Dollars. Ferris Reform School

For Colored School Houses in Kent County, Five Hundred Dollars. Colored school houses in Kent county

For shortening Smyrna River, Two Hundred Dollars. Smyrna river

For shortening Mispillion River, Two Hundred Dollars. Mispillion river

For defraying expenses in the Marvin Abduction case, Two Thousand Dollars. Marvin abduction

For furnishing Secretary of State with Great Seal of State, Two Hundred Dollars. Great Seal of State

For binding books in the State Library, Five Hundred Dollars. State Library, for rebinding books

For the State Revenue Collector, under Act of 1907, Twelve Hundred Dollars, for salary. State Revenue Collector

For the State Revenue Collector for contingent fund, Three Hundred Dollars.

For the purchase of Oyster shells for St. Jones and Murderkill Creeks, Two Hundred Dollars. Oyster shells for St. Jones and Murderkill creeks

For papers in the New Jersey and Delaware Supreme Court case, Three Hundred Dollars. Papers in New Jersey and Delaware Supreme Court case

For repairing the State College for Colored Students, Five Thousand Dollars. State College for Colored Students

For the Old Folks Home at Dover, Two Thousand Dollars. Old Folks Home at Dover

For the purpose of buying or building a New Oyster Guard Boat, Five Thousand Dollars. Oyster Guard Boat

Rent of two rooms in Court House two years for the State Board of Agriculture, One Hundred and Forty-four dollars. Rent for rooms in Court House

Approved April 18, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 17.

OF PUBLIC REVENUE.

AN ACT Making Appropriations for the Expenses of the State Government other than Legislative Expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and nine.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Appropriation
for year 1908

Section 1. That the several amounts named in this act or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and nine, provided, however, that all parts or portions of the several sums appropriated by this Act, which on said Monday immediately preceding said second Tuesday in January, A. D. 1909 shall not have been paid out of the Treasury, shall be returned to the general fund of the Treasury. The said several funds hereby appropriated are as follows, viz :—

- Governor For the Governor for Salary, Two Thousand Dollars.
 For the contingent expenses of the Governor's office, One Thousand Dollars.
- Lieutenant Governor For the Lieutenant Governor for services as a member for the State Board of Pardons, One Hundred Dollars.
- Chancellor For the Chancellor for salary, Four Thousand Five Hundred Dollars.
 For the Chancellor for Reporting, Two Hundred Dollars.
 For the Chancellor for contingent expenses of the Court of Chancery, Two Hundred Dollars.
 For the Chancellor in payment of one hundred copies of his reports, Eight Hundred Dollars.

OF PUBLIC REVENUE.

For the Stenographer for the Court of Chancery, Twelve Hundred Dollars. Stenographer for Chancellor

For the Chief Justice for salary, Four Thousand Five Hundred Dollars. Chief Justice

For the Four Associate Judges for salaries, Sixteen Thousand and Dollars. Associate Judges

For the Associate Judge resident in Kent County for reporting, Two Hundred Dollars. Associate Judge for Kent Co.

For the Court Stenographer for salary, Two Thousand Dollars. Court Stenographer

For Transcript for Supreme Court and Assistant Stenographer, Five Hundred Dollars.

For the Secretary of State for salary, One Thousand Dollars. Secretary of State

For the Secretary of State as compensation for performing the duties imposed upon him by the provisions of an Act entitled "An Act to Raise Revenue for the State by taxing certain corporations," passed A. D. 1899, the sum of Five Hundred Dollars.

For the Secretary of State to pay the contingent expenses of his office, Fifteen Hundred Dollars.

For the Secretary of State to pay costs of official bond, Fifty Dollars.

For Stenographer and Typewriter for the Governor and Secretary of State, Nine Hundred Dollars. Stenographer for Governor and Secretary of State

For the Attorney General for salary, Twenty-five Hundred Dollars. Attorney General

For the Deputy Attorneys General for salary, Two Thousand and Dollars. Deputy Attorneys General

For contingent expenses for the Attorney General for paying expenses in criminal prosecutions, Twelve Hundred Dollars. Contingent fund of Attorney General

OF PUBLIC REVENUE.

State
Detectives

For the two State Detectives for salaries, Twenty-four Hundred Dollars.

For actual expenses and in serving requisition papers, Five Hundred Dollars.

For the State Treasurer and trustee of school fund, salary, One Thousand Four Hundred and Fifty Dollars.

State Treasurer

For the State Treasurer to purchase free text books, Five Hundred Dollars, under Section 22, Chapter 67, Volume 21, Laws of Delaware.

For the State Treasurer for contingent expenses, Two Hundred Dollars.

Auditor of
Accounts

For the State Auditor of Accounts for salary, Two Thousand Dollars.

For the Auditor of Accounts for contingent expenses, exclusive of clerical assistance, Five Hundred Dollars.

Insurance
Commissioner

For the Insurance Commissioner for salary, Fifteen Hundred Dollars.

For the Insurance Commissioner for services as State Supervisor of Banks, Trust Companies, &c., under Chapter 330, Volume 22, Laws of Delaware, Five Hundred Dollars.

For the Insurance Commissioner to pay the necessary expenses of his office such as postage, stationery, &c., Five Hundred Dollars.

For the Insurance Commissioner for contingent fund as State Supervisor of Banks, Trust Companies, &c., Three Hundred Dollars.

For the Insurance Commissioner to pay the salary of his clerk, Six Hundred Dollars.

For the Insurance Commissioner to pay clerk under Chapter 330, Volume 22, Laws of Delaware, Three Hundred Dollars.

State Librarian

For the State Librarian for salary, Eight Hundred Dollars.

OF PUBLIC REVENUE.

For the State Librarian for contingent expenses, One Hundred and Fifty Dollars.

For the State Librarian to purchase law books for State Library, Five Hundred Dollars.

For the Janitor of the State House for salary, Five Hun- Janitor
dred Dollars.

For the Fish Commissioner for salary, Five Hundred Dol- Fish
lars. Commissioner

For contingent expenses of Fish Commissioner to pay for postage and stationery, traveling expenses, &c., One Hundred and Twenty-five Dollars.

For hatching, propagation, &c., of food fish under Chapter Propagation of
559, Volume 18, Laws of Delaware, Six Hundred Dollars. fish food

For the Oyster Revenue Collector for salary, Seven Hun- Oyster Reve-
dred Dollars. nue Collector

For the payment of officers and crew of watchboat for the Oyster Watch
protection of oysters, Twenty-three Hundred and Forty Boat crew
Dollars.

For the benefit of The Free Public Schools and in addi- Public Schools
tion to the income arising from the investment of the public school funds, to be used exclusively for the payment of teachers' salaries and for furnishing free text books, One Hundred and Thirty-two Thousand Dollars.

For the three County Superintendents of schools, Thirty- County School
six Hundred Dollars. Superinten-
dents

For contingent expenses for the Three County Superin-
tendents of schools, Nine Hundred Dollars.

For the expenses of holding the white teachers' institute Teachers Insti-
in the several counties of this State, Four Hundred and Fifty tute, white
Dollars.

For the expenses of holding colored teachers' institute, Teachers Insti-
One Hundred and Fifty Dollars. tute, colored

For the purpose of paying the expenses of the State Board State Board of
of Education and also the expenses of County School Com- County School
missioners Commissioners

OF PUBLIC REVENUE.

missioners under the act entitled "An Act providing for the establishment of a general system of free public schools" passed at the adjourned session of the Legislature in 1898, Twenty-five Hundred Dollars.

Students attending graded schools

For the State Treasurer to carry out the provisions of "An Act providing graded school facilities for the children of this State," approved at Dover March 9, 1899, Thirteen Thousand and Dollars.

Liquor license, return of fees for

To provide for the return to liquor license holders of proportionate part of license fees in local option districts in which there shall be a vote against license at the local option election to be held in November, 1907, Forty-four Thousand Dollars.

Delaware College

For the trustees of Delaware College for the use of said College, being its share of appropriation made by the General Government for the year 1908, Twenty Thousand Dollars.

State College for Colored Students

For the trustees of the State College for colored students for use of said College, being its share of appropriation made by the General Government for the year 1908, Five Thousand Dollars.

Delaware Industrial School for Girls

For the Delaware Industrial School for girls, Three Thousand Dollars.

St. Michael's Day Nursery Hospital

For St. Michael's Day Nursery and Hospital for babies, Five Hundred Dollars.

Books, &c., for blind

For the purchase of books, maps and other appliances for the use of the blind, One Hundred Dollars.

President of State Hospital at Farnhurst

For the President of the Board of Trustees of the State Hospital at Farnhurst for visiting the institutions outside of the State in which are being instructed at the expense of the State, indigent deaf and dumb, indigent blind, and indigent idiotic children and for making report to the Governor concerning the same, One Hundred Dollars.

Deaf, dumb, blind and idiotic children

For the maintenance and instruction of the indigent deaf and dumb, and indigent blind, indigent idiotic children, in institutions outside of the State, Ten Thousand Dollars.

OF PUBLIC REVENUE.

For the Delaware Society for the prevention of cruelty to children for the purpose of enforcing laws, &c., Nine Hundred Dollars. Society for Prevention of Cruelty to Children

For the State Library Commission under the provisions of Chapter 362, Volume 22, Laws of Delaware, Seven Hundred Dollars. State Library Commission

For the State Library Commission, contingent expenses, Two Hundred Dollars.

For Libraries in school districts, Three Hundred Dollars. Libraries in school districts

For the Chairman of the Committee on traveling libraries of the State Federation of Women's Clubs for Delaware, the sum of One Hundred Dollars for the purpose of establishing traveling libraries. Traveling libraries

For the Historical Society of Delaware, Three Hundred Dollars. Historical Society of Delaware

For the purpose of carrying into effect the provisions of the Act entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware," passed May 7, 1897, as amended, Five Thousand Dollars. National Guard of Delaware

For the National Guard of Delaware for field practice, Eight Thousand Dollars.

For the National Guard of Delaware under provisions of Act passed 1907, Twenty-five Hundred Dollars.

For the burial of indigent soldiers, sailors and marines, Seven Hundred and Fifty Dollars. Indigent soldiers, sailors and marines

For G. A. R. Memorial Day expenses, One Thousand Dollars. G. A. R. Memorial Day

For the State Board of Health, Twenty-five Hundred Dollars. State Board of Health

For the salary of the Bacteriologist and all expenses of the pathological and bacteriological laboratory at Delaware College, Twenty-five Hundred Dollars. Bacteriologist

For Medical councils of Delaware, Three Hundred Dollars. Medical Council

OF PUBLIC REVENUE.

- Horticultural Society For the Peninsula Horticultural Society, Five Hundred Dollars.
- Farmers Institute For the Farmers' Institute for the purpose of defraying incidental expenses of holding same, Six Hundred Dollars.
- State Board of Agriculture For the State Board of Agriculture, Three Thousand Dollars.
- Immigration Board For Immigration Board for the purpose of encouraging immigration, Twenty-five Hundred Dollars.
- Infectious diseases in lower animals For the purpose of defraying expenses involved in eradicating infectious diseases among lower animals, Twelve Hundred Dollars.
- Water for State House To the town of Dover for water for the use of the State House, One Hundred Dollars.
- Telephone for State House To Diamond State Telephone Company, rent of telephone for State House, Twenty-five Dollars.
- Insurance For Insurance against fire on property belonging to the State, One Thousand Dollars.
- Repairs for State property For the State Treasurer for repairs to the State property, One Hundred Dollars.
- Heating, etc., State House For repairing, heating, &c. of State House, One Thousand Dollars.
- Interest Interest on the State Debt, Thirty-seven Thousand Five Hundred Dollars.
- Printing Printing Acts and Resolutions of the General Assembly and for all other printing done for the benefit and use of the State, Ten Thousand Dollars.
- Delaware State Hospital at Farnhurst Delaware State Hospital at Farnhurst, Sixty Thousand Dollars.
- New Castle Co. State Highway Commissioner New Castle County State Highway Commissioner for salary, One Thousand Dollars.
- Public highways, New Castle Co. For Public Highways in New Castle County, Ten Thousand Dollars.

OF PUBLIC REVENUE.

For Public Highways in Kent County, Ten Thousand Kent Co. Dollars.

Public Highways in Sussex County, Ten Thousand Sussex Co. Dollars.

For Factory Inspector for salary, One Thousand Factory Inspector Dollars.

For Registration officers for compensation, Thirteen Registration officers Thousand Dollars.

Board of State supplies, contingent fund, Five Hundred Board of State supplies Dollars.

Division of Records, Five Hundred Division of Records Dollars.

Department of elections in the city of Wilmington, Forty- Department of Elections in Wilmington three Hundred Dollars.

For putting into effect the provisions of an act creating a Revenue and Taxation Commission Revenue and Taxation commission, Fifteen Hundred Dollars.

To the State Board of Pharmacy under Act of 1907, Two State Board of Pharmacy Hundred and Fifty Dollars.

For the Secretary of State for printing and publishing in- Corporation laws corporation laws, Three Hundred and Fifty Dollars.

For special instructors for the indigent blind, Twelve Blind, instructors for Hundred Dollars.

For the Adjutant General for salary. Six Hundred Adjutant General Dollars.

For the Ferris Reform School to carry into effect the pro- Ferris Reform School visions of the compulsory school law, Five Hundred Dollars.

For colored school houses in Kent County, Five Hundred Colored school houses in Kent Co. Dollars.

To defray the expenses of the Little Legislature, One "Little Legislature" Thousand Dollars.

For the State Revenue Collector for salary, Twelve Hun- State Revenue Collector dred Dollars.

For the State Revenue Collector for contingent fund, Three Hundred Dollars.

Approved April 18, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 18.

OF PUBLIC REVENUE.

AN ACT Appropriating Certain Money out of the State Treasury of this State to Pay Certain Claims Against the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sundry claims Section I. That the several sums of money hereinafter named are hereby appropriated out of the Treasury of this State for the purpose of paying the claims hereinafter mentioned, and the State Treasurer is hereby authorized and directed to pay the same as follows:

J. E. Goslee.....	\$ 25.00
Theodore Townsend.....	62.16
John D. Brooks.....	94.05
John D. Brooks.....	108.16
Mercantile Printing Co.....	23.05
Mercantile Printing Co.....	32.75
Edith D. Ingersoll.....	50.00
The News Publishing Co.....	140.00
Julian B. Robinson.....	33.00
The News Publishing Co.....	26.00
George W. Baker.....	4.40
Chas H. Gray.....	2.50
Mercantile Printing Co.....	9.80
Robert H. Vandyke.....	186.54
The Sentinel Printing Co.....	4.00
The Sentinel Printing Co.....	207.60
J. S. Godwin.....	46.85
Theodore Townsend.....	300.00
The Evening Journal.....	14.30
J. S. Rowan.....	13.32
The Delawarean Co.....	132.60
Theodore Townsend.....	48.00
D. C. Allee.....	956.57
The Sentinel Printing Co.....	3.00

OF PUBLIC REVENUE.

R. H. Vandyke.....	1.50
Thomas W. Wilson.....	150.00
Lewis Chambers.....	50.00
A. B. Conner.....	26.35
State Board of Agriculture on account of Anthrax &c.	606.70
Charles M. Smith.....	305.20
Elmer I. Abbott.....	300.00
Diamond State Telephone Co.....	226.00
William E. Smith.....	2.75
Thomas S. Lewis.....	25.00
Charles Hardcastle.....	80.00
Fannie Herrington.....	25.00
Joseph H. Brown.....	2.50
Dover Machine Works.....	32.14
Robert H. Vandyke.....	86.32
Layton & Layton.....	64.15
R. W. Ewing.....	7.00
Edward Baker, Sheriff.....	26.00
James W. Wise.....	30.00
J. S. Rowan.....	95.40
Joseph L. Bonsall.....	30.00
R. J. Ferguson.....	13.50
T. K. Jones & Bro.....	36.55
Evening Journal Co.....	32.86
Dover Artificial Ice Co.....	27.84
C. L. Moore.....	35.00
U. S. Post Office.....	6.00
Sentinel Printing Co.....	293.05
Amos A. Watson.....	6.00
Walter Pardoe.....	30.00
James A. Hiron.....	94.69
James A. Hiron.....	93.00
William Dewitt.....	15.00
Remington Typewriter Co.....	87.75
Chauncey P. Holcomb.....	24.50
The Delaware Ledger.....	32.50
Theodore Townsend.....	30.00
The News Publishing Co.....	50.00
R. J. Ferguson.....	7.50
Star Publishing Co.....	45.00

OF PUBLIC REVENUE.

Layton & Layton.....	227.33
Layton & Layton.....	1281.72
John M. Rogers.....	98.25
Joseph L. Cahall.....	200.00
W. F. Hartnett.....	12.00
Manship Rash.....	95.00
Purnal B. Norman.....	70.50
Diamond State Telephone Co.....	7.85
Dr. H. P. Eves.....	36.00
Dr. Henry Marshall.....	65.00
A. R. Spaid.....	75.00
Walter Pardoe.....	142.50
Winfield S. Quigley.....	210.00
Walter H. Hayes.....	650.00
W. S. Hihes.....	650.00
A. B. Cooper.....	650.00
James E. Carroll.....	50.00
A. R. Spaid.....	50.00
George W. Sparks.....	50.85
Thomas M. Monaghan.....	50.85
William H. Miller.....	50.85
John M. Mendinhal.....	54.75
John W. Morrison.....	40.50
Edward Hart.....	30.80
Thomas C. Moore.....	18.84
John W. Houston.....	18.00
Remesen C. Barnard.....	9.00
William T. Jester.....	17.29
Samuel E. Reed.....	37.35
David H. Boyce.....	48.52
Archie B. Lingo.....	50.85
James Rowland, Jr.....	48.20
Benjamin B. Allen.....	50.85
William H. Baggs.....	18.84
Henry O. Bennum, Jr.....	29.36
Richard T. Cann, Jr.....	36.00
Charles S. Conwell.....	12.30
T. L. Cooper.....	15.00
T. O. Cooper.....	50.85
Alexander P. Corbit.....	31.11
Luther F. Cabbage.....	41.40

OF PUBLIC REVENUE.

James S. Donaway.....	30.25
William H. Elliott.....	48.52
Darlington Flinn.....	50.85
Gamaliel Garrison.....	5.85
Albert Harrington.....	25.50
Jermiah B. Harvey.....	33.30
Chauncey P. Holcomb.....	50.85
Noah H. James.....	46.80
Robert Keenan.....	50.85
Edward R. Knotts.....	17.65
Joshua J. Lambdin.....	46.58
John W. Messick.....	51.00
Oliver A. Newton.....	34.65
Frank R. Paradee.....	52.80
James C. Palmer.....	61.35
Howard Rash.....	15.50
Issac Richards.....	41.97
William H. Richardson.....	30.60
Wilmer C. Staats.....	19.32
William G. Williams.....	69.75
John P. Wilson.....	50.10

Approved April 18, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 19.

OF PUBLIC REVENUE.

AN ACT Appropriating Twenty Thousand Dollars as an Appropriation to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Delaware State
Hospital at
Farnhurst,
appropriation
of \$20,000.00

Section 1. That the sum of Twenty Thousand Dollars, is hereby appropriated and authorized to be paid out of the Treasury of this State to "The State Board of Trustees of the Delaware State Hospital at Farnhurst" as an appropriation, for the use and support of "The Delaware State Hospital at Farnhurst."

Approved January 31, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 20.

OF PUBLIC REVENUE.

AN ACT Appropriating One Hundred Thousand Dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Forty Thousand Dollars or so much thereof as may be necessary, is hereby appropriated and authorized to be paid out of the treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst for the use and support of The Delaware State Hospital at Farnhurst during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year A. D., nineteen hundred and eight.

Delaware State Hospital at Farnhurst, appropriation \$40000.00 for year 1907

Section 2. That the further and additional sum of Sixty Thousand Dollars or so much thereof as may be necessary, be and the same is hereby appropriated and authorized to be paid out of the treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst for the use and support of The Delaware State Hospital at Farnhurst during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year A. D., nineteen hundred and nine.

\$60000.00 for year 1908

Approved March 29, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 21.

OF PUBLIC REVENUE.

AN ACT Appropriating Two Thousand Dollars (\$2,000) for the Maintenance and Support of the Old Peoples Home at Dover.

Preamble

Whereas the Ever Ready Circle Kings Daughters, a corporation of the State of Delaware, has erected in the Town of Dover, Kent County and State of Delaware a home for the reception, care and maintenance of aged people of this State; and

Preamble

Whereas the said home is a charitable institution, and the fee required from persons desiring admission therein will be inadequate for the maintenance of said home and for the care and support of the inmates thereof; and

Preamble

Whereas the said Ever Ready Circle Kings Daughters, the aforesaid corporation, has expended all of its money in the erection and preparation of said home, and is therefore unable, for the present, to provide proper care and maintenance for the persons who shall be inmates of said home. Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Appropriation
of \$2000.00 to
Old Peoples
Home at Dover

Section 1. That the sum of Two Thousand Dollars (\$2,000) be and same is hereby appropriated out of the treasury of this State, to be paid to the Ever Ready Circle Kings Daughters, a corporation of this State for the maintenance and support of the Old Peoples Home, established in the Town of Dover, Kent County and State of Delaware by said corporation.

Funds, how
drawn

Section 2. That the said sum of Two Thousand Dollars (\$2000) shall be paid to the President of said corporation by warrant drawn by the Governor upon the State Treasurer, and the receipt of the President of said corporation attested by its Secretary shall be a sufficient voucher therefor.

Approved April 9, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 22.

OF PUBLIC REVENUE.

AN ACT in Relation to an Investigation of the Supposed Abduction of Horace Marvin.

Whereas the people of the State have been shocked by the mysterious disappearance and supposed abduction of Horace Marvin, a minor, from his home, near Dover, therefore,

Preamble

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor of the State is hereby authorized to engage special detectives and employ such other means as he may deem best to investigate the supposed abduction of Horace Marvin and to arrest and punish the perpetrators of the crime, if any there be.

Governor authorized to employ detectives to investigate the supposed abduction of Horace Marvin

Section 2. That the State Treasurer is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated upon warrants drawn by the Governor the sum of two thousand dollars, or so much thereof as may be necessary to carry out the provisions of this Act.

Funds, how drawn

Approved March 13, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 23

OF PUBLIC REVENUE.

AN ACT Authorizing the State Treasurer to Pay over to the Levy Court of New Castle County the sum of Five Hundred Dollars to Reimburse the Levy Court of New Castle County for Compensation Paid by said Levy Court to the Five Assessors of Wilmington Hundred for Performing the Duties under the Provisions of Section 19, Chapter 12, Revised Code of 1893, Laws of Delaware, as Amended by Chapter 50, Volume 23, Laws of Delaware.

Preamble

Whereas, under the provisions of Chapter 50, Volume 23, Laws of Delaware, the five assessors of Wilmington Hundred did make out the list provided in Section 19, Chapter 12, Revised Code of 1893, Laws of Delaware, for their respective representative or assessor districts; and

Preamble

Whereas, the Levy Court of New Castle County, under the provisions of said Chapter 50, Volume 23, Laws of Delaware, has paid to each of said assessors for assessments made by them respectively for two years, the sum of one hundred dollars, amounting in all to five hundred dollars, for performing the duties aforesaid; and

Whereas, the duties performed by said assessors and paid for by said Levy Court were performed for the State of Delaware, Therefore;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Appropriation
to Levy Court
of New Castle
Co.

Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to pay over to the Levy Court of New Castle County, the sum of five hundred dollars.

Section 2. That the said sum of five hundred dollars be and the same is hereby expressly appropriated and set apart out of any monies now being in the hands of the State Treasurer and not otherwise duly appropriated.

Section 3. This Act shall be deemed and taken to be a public Act.

Approved April 11, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 24.

OF PUBLIC REVENUE.

AN ACT Providing for an Appropriation of Five Hundred Dollars to Erect a Monument in Memory of Brigadier General John Dagworthy.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That a joint committee consisting of Preston Lea, Governor, representing the State, and Charles B. Lore and George W. Marshall, representing the Historical Society of Delaware, together with an Auxiliary Committee of Henry C. Conrad, John W. Messick, Reverend Lewis W. Wells, Daniel Burton, Derrick B. Hazzard, Charles L. Moore and Rufus D. Lingo, Jr., be and is hereby appointed to erect a suitable monument to the memory of Brigadier General John Dagworthy, in the Graveyard of Prince George's Church near Dagsboro, in this State, and the sum of Five hundred dollars is hereby appropriated for that purpose, said sum, or so much of the same as shall be necessary, to be expended under the direction of said Committee.

8500.00 appropriation to erect a monument to Brigadier General John Dagworthy, name of committee

Approved April 9, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 25.

OF PUBLIC REVENUE.

AN ACT in Relation to Repairing the Binding and Rebinding Certain Books in the State Library, and Providing for the Payment of the same.

Preamble

Whereas, a great many valuable books in the State Library are in danger of being rendered useless by reason of the delapidated condition of the binding thereof; Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Librarian
directed to
have books
rebound

Appropriation
of \$500.00
therefor

Section 1. That the State Librarian be and he hereby is authorized to have repaired the binding of or to have rebound such books in the State Library as may be in need thereof; and a sum not exceeding five hundred dollars shall be the cost of such work, said cost of said repairing and rebinding when appropriated, shall be paid from time to time by the State Treasurer upon the requisition of the State Librarian.

Approved February 7, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 26.

OF PUBLIC REVENUE.

AN ACT Appropriating Certain Money out of the State Treasury of this State to Pay the Claim of George W. Baker, for fuel.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Four hundred and twenty-four dollars and eighty cents (\$424.80) is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of George W. Baker, for fuel, and the State Treasurer is hereby authorized and directed to pay the same.

Appropriation
for fuel to
Geo. W. Baker

Approved February 7, A. D. 1907.

CHAPTER 27

OF PUBLIC REVENUE.

AN ACT Appropriating Certain Money out of the Treasury of this State to Pay the Claim of Cornelius J. Horrigan for services rendered the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Two Hundred and Thirty Dollars and thirty-four cents, be and the same is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of Cornelius J. Horrigan for services rendered the State, and the State Treasurer is hereby authorized and directed to pay the same.

Appropriation
to Cornelius J.
Horrigan

Approved February 25, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 28.

OF PUBLIC REVENUE.

AN ACT Appropriating Certain Money out of the Treasury of this State to Pay the Claim of Walter J. Harrington for Services Rendered the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appropriation
to Walter J.
Harrington

Section 1. That the sum of Two hundred and thirty dollars and thirty-four cents, be and the same is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of Walter J. Harrington for services rendered the State, and the State Treasurer is hereby authorized and directed to pay the same.

Approved February 25, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 29.

OF PUBLIC REVENUE.

AN ACT Appropriating Certain Money out of the Treasury of this State to Pay the Claim of John Barr for Services Rendered the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Two hundred and thirty dollars and thirty-four cents, be and the same is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of John Barr for services rendered the State, and the State Treasurer is hereby authorized and directed to pay the same.

Appropriation
to John Barr

Approved February 25, A. D. 1907

OF PUBLIC REVENUE.

CHAPTER 30.

OF PUBLIC REVENUE.

AN ACT Appropriating the sum of Three Hundred and Fifty Dollars to F. Edna Dick as Compensation for Services as Clerk to the Auditor of Accounts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Appropriation
to F. Edna
Dick

Section 1. That the sum of Three Hundred and Fifty Dollars be and the same is hereby appropriated out of any money in the State Treasury of this State for the purpose of compensating F. Edna Dick for services as Clerk in the Office of the Auditor of Accounts from May 7, 1906 to December 7, 1906, and the State Treasurer is hereby authorized and directed to pay the said amount to the said F. Edna Dick immediately upon the approval of this Act.

Approved March 21, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 31.

OF PUBLIC REVENUE.

AN ACT Appropriating the sum of Forty Dollars and Thirty-three Cents to Margaret B. Cooper as Compensation for Services as Clerk to the Auditor of Accounts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Forty Dollars and Thirty-three cents be and the same is hereby appropriated out of any money in the Treasury of this State for the purpose of compensating Margaret B. Cooper for services as Clerk in the office of the Auditor of Accounts from December 7, 1906 to January 1, 1907, and the State Treasurer is hereby authorized and directed to pay the said amount to the said Margaret B. Cooper immediately upon the approval of the Act.

Approved March 21, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 32.

OF PUBLIC REVENUE.

AN ACT to Appropriate Five Thousand Dollars for the Alteration, Repair and Additions to Buildings for the State College for Colored Students.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein):

Appropriation
to State College
for Colored
Students

Section 1. That for the alteration, repair and additions to buildings on the grounds of the State College for Colored Students, near Dover, in the State of Delaware, to better enable the Board of Trustees to carry into effect the purposes as provided by the various Acts of Congress, applicable thereto, and for other purposes, the sum of five thousand dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Trustees of said College as follows: One-half thereof on the first day of July A. D. nineteen hundred and seven and the other half on the first day of July A. D. nineteen hundred and eight.

Approved March 29, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 33.

OF PUBLIC REVENUE.

AN ACT to Provide for the State of Delaware to be Represented at the Jamestown Ter-Centennial Exposition and to Make an Appropriation therefor.

Whereas, the Congress of the United States has passed an Act Approved March 3rd, 1905, entitled "An Act to provide for celebrating the birth of the American nation, the first permanent Settlement of English speaking people on the western hemisphere, by the holding of an international naval marine and military celebration in the vicinity of Jamestown, on the waters of Hampton Roads, in the State of Virginia, to provide for the suitable and permanent commemoration of said event and to authorize an appropriation therefor and for other purposes," and

Whereas, it is eminently proper that the natural resources and the industrial, agricultural and horticultural interests and progress of the State of Delaware should be fully and creditably displayed at said exposition, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That for the purpose of exhibiting the resources, products and general development of the State of Delaware at the Jamestown Ter-Centennial Exposition to be held at Hampton Roads, in the State of Virginia beginning April 26, 1907, a commission is hereby constituted, to be designated "The Jamestown Ter-Centennial Commissioners of Delaware", to consist of nine residents of the State of Delaware, one of whom shall be the Governor of the State who shall be Chairman of the said commission; the other members of the said commission shall be appointed by the Governor, one from each House of the General Assembly and two from each County of the State.

Section 2. That said board of Commissioners shall meet within ten days from the date of their appointment and or-

OF PUBLIC REVENUE.

ganize by the election of a President, a Vice president, a Secretary and a treasurer. The Treasurer of said board of commissioners shall give a bond to the State of Delaware in the sum of Twenty thousand dollars, with sureties to be approved by the Governor, for the faithful performance of his duties. A majority of the members of said board shall constitute a quorum, the board shall have power to make such rules and regulations and to employ such agents or persons as it may deem necessary. Any member of the board may be removed, at any time, by the Governor for cause, and any vacancy occurring in the board shall be filled by the Governor. No member of the board shall receive any compensation for services, but may be allowed actual and necessary expenses incurred.

Removal for
cause of any
member

Powers of
Commission

Exhibits

Section 3. The said board shall have charge of the interests of the State of Delaware and its citizens in the preparation and exhibition at the said Jamestown Ter-Centennial Exposition of the natural and industrial products of the State, and of objects illustrating its history and progress, together with its moral and material welfare and development; and in general shall have and exercise full authority in relation to the participation of the State of Delaware and its citizens in said Jamestown Ter-Centennial Exposition. And shall sell or otherwise dispose of all buildings and other property acquired by it, as it shall deem best to the interests of the State.

Appropriation
of \$10000.00

Funds, how
drawn

Section 4. To carry out the provisions of this Act the sum of "ten thousand dollars (\$10000.00)" or so much thereof as shall be necessary, is hereby appropriated, and the State Treasurer is directed to pay the same from the general fund, from time to time, on the requisition of said Board of Commissioners, signed by the President and Secretary who shall certify that the sum is actually necessary for disbursement; and at the close of service of said Board of Commissioners it shall make a full report to the Governor of its proceedings including all receipts and disbursements, with complete vouchers therefor attached.

Approved January 21, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 34.

OF PUBLIC REVENUE.

AN ACT Appropriating Two Hundred Dollars for the Purpose of Purchasing Shells for St. Jones' Creek and Murderkill Creek as an aid in the Propagation of Oysters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Two Hundred Dollars be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to purchase shells for distribution along the flats and reaches of St. Jones' Creek and Murderkill Creek where same will not be interfered with by dredges or mud-diggers, to aid in the propagation of oysters.

Appropriation for oyster shells for St. Jones and Murderkill creeks

Section 2. That the Oyster Revenue Collector shall have supervision of the purchase and distribution of the shells, and shall carry into effect the provisions of this Act immediately upon the approval hereof. The cost of said shells, including freight and expenses incident to the purchase of same, shall not exceed six and one-half cents per bushel. All bills incurred by the Oyster Revenue Collector in carrying into effect the provisions of this Act, up to and including Two Hundred Dollars, shall be paid by the State Treasurer to the parties to whom the money is due upon the warrant of the Oyster Revenue Collector.

Oyster Revenue Collector to purchase and distribute same
Funds; how drawn

Approved March 21, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 35.

OF PUBLIC REVENUE.

AN ACT for the Relief of School District No. 116 in Kent County,
Delaware.

Preamble

Whereas, School District No. 116, Kent County, did not receive any dividend for any portion of the school fund for the year 1906, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appropriation
to School Dis-
trict No. 116,
Kent Co.

Section 1. That immediately upon the approval of this Act, the State Treasurer is authorized and directed to pay out of the school fund to the clerk of School District No. 116, in Kent County, the sum of Two Hundred and Fifteen Dollars, for the use of said District, and to charge the said amount to the apportionment of the school fund for Kent County.

Approved March 9, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 36.

OF PUBLIC REVENUE.

AN ACT for the Improvement of the Schoolhouses for Colored Children in Kent County, and Making an Appropriation therefor.

Whereas, At least three school districts in Kent County for colored people have no buildings in which their children can be educated; and

Preamble

Whereas, The financial condition of the colored people is such that school buildings can not be erected unless some aid is extended them; therefore

Preamble

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Five hundred dollars annually for two years is hereby appropriated from the State Treasury for the purpose of repairing, enlarging and building school-houses for the colored children of Kent County, said amount to be under the control and direction of the County School Commission for Kent County.

Appropriation for colored school houses of Kent Co.

Section 2. That the Kent County School Commission shall decide, after conference with the school committees of the respective districts, upon the location of the school, or the nature and extent of repairs or enlargement that may be necessary, and before the commencement of the work shall determine the amount that is to be appropriated to the particular district.

County School Commission empowered to expend funds

Section 3. That the amount herein appropriated shall be paid by the State Treasurer on orders drawn by the President of the Kent County School Commission, attested by the Secretary of the Commission.

Funds, how drawn

Approved March 14, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 37.

OF PUBLIC REVENUE.

AN ACT to Provide a Fund to be used by the County Superintendents of Schools to Pay the Necessary Expenses of Visiting Schools.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Contingent
fund for Coun-
ty School Sup-
erintendents

Section 1. That the sum of three hundred dollars for each of the County Superintendents of Schools be, and the same is hereby annually appropriated out of any moneys in the Treasury not otherwise appropriated as a contingent fund for the use of the County Superintendents of Schools, the said sum or so much thereof as may be necessary, to be used by them for the purpose of paying the necessary expenses incident to visiting schools, and on the submission of proper receipts duly approved by the State Board of Education, the State Treasurer is hereby authorized, from time to time, to pay to the said County Superintendents of Schools the aforesaid amount or so much thereof as shall be necessary.

Section 2. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved March 21, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 38.

OF PUBLIC REVENUE.

AN ACT Providing for a Contingent Fund for the Board of State Supplies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Five Hundred Dollars be and the same is hereby appropriated annually out of any money in the treasury not otherwise appropriated, as a contingent fund for the use of said Board of State Supplies, to be used in payment for stationery, postage supplies and in the employment of a person or persons possessing the necessary technical skill to assist said Board in rendering more efficient the operation of the provisions of Chapter 82, Volume 23, Laws of Delaware entitled "An Act regulating the furnishing of supplies for the State," said funds to be properly accounted for by vouchers accompanying the warrants drawn by said Board on said fund.

Contingent
fund of State
Board of
Supplies

Approved March 9, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 39.

OF PUBLIC REVENUE.

AN ACT to Provide for the Refunding of a Proportion of Liquor License Fees in Local Option Districts in which there shall be a Majority Vote Against License.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Refunding pro-
portionate part
of liquor
license fees in
districts voting
against sale of
liquor

Section 1. That in case, upon the taking of the vote in the several Local Option Districts of the State upon the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof, under the provisions of the Statute of the State of Delaware in that behalf made and provided, there shall be in any of the said Local Option Districts a majority against license, the State Treasurer is hereby authorized and directed to refund to the respective holders of liquor licenses in such Local Option Districts in which said vote shall be against license, and whose business, by reason of said majority vote against license in said Local Option District, and under the provisions of the State Constitution and said Statute, shall be made unlawful, a proportionate part of the license fees paid by the several holders of such liquor licenses, in such Local Option District, prior to the taking of said vote. The proportion of said license fees to be refunded as aforesaid shall be determined by calculating the time which the respective liquor licenses would have to run and be operative after the date of the publication of the proclamation of the Governor, stating the result of said vote in said several Local Option Districts, provided for in Section 7 of the Statute providing for the taking of said vote for and against license, before said licenses would by law expire. The corporation of said license fees to be so refunded shall be such proportion of the several license fees as the time which said several liquor licenses would have to run and be operative would bear to the time for which said several liquor licenses were originally granted. For the purpose of ascertaining the portion of said several

Proportion of
such fees, how
ascertained

OF PUBLIC REVENUE.

liquor licenses to be refunded as aforesaid, the several holders of such liquor licenses shall procure from the Clerk of the Peace, in the County in which such Local Option District is located, a certificate of such Clerk of the Peace, under the Seal of such County, stating the date of the granting of such license, the period for which said license was granted and the date upon which said license would in due course of law expire, and file the same with the said State Treasurer. The said several Clerks of the Peace shall be entitled to receive for the making of each of said certificates a fee of fifty cents. The State Treasurer shall accept said certificates as conclusive evidence, of the facts therein stated, and shall pay out of the State Treasury, to such liquor license holders, the said proportion of such liquor license fees, so to be refunded, upon the presentation of said certificate, and the calculation of the amount to be refunded as aforesaid. The State Treasurer shall take from such liquor license holders, upon his payment of the money so refunded to them, their several receipts therefor, which shall be endorsed upon the certificate aforesaid.

Clerks of
Peace, duties
of in respect
thereto

Clerks of
Peace, fees of..

Duty of State
Treasurer

Approved March 29, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 40.

OF PUBLIC REVENUE.

AN ACT in Relation to the Licensing of Grain Distilleries and to the Sale and Removal of the Products thereof, and Prescribing Penalties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Grain distillers to procure license from State Treasurer

Section 1. That from and after the passage of this Act every distiller of spiritous or alcoholic liquors from grain, before beginning operations, shall procure from the State Treasurer a license authorizing the operation of said distillery for the term of one year from the date thereof; for which license he shall pay to the said State Treasurer the sum of five hundred dollars (\$500); Provided that the holder of any license for the operation of a grain distillery, which is not yet expired, shall not be required to procure a license under the provisions of this Section until the expiration of the term of the said unexpired license.

License fee

Licensee may sell product in quantities of one gallon or more

“Section 2. That hereafter every person holding a license authorizing the distilling of spiritous or alcoholic liquors from grain, is authorized and empowered to sell his products in the quantity of one gallon or more which shall not be drunk on the premises nor on any other premises under the control of the said distiller; provided, however, that this section shall not be construed to authorize any sale of said products in a smaller quantity than one gallon to the single package; and provided further, that it shall be unlawful for any distiller to suffer or permit any liquor sold under the provisions of this Act, to be removed from the premises except in the package in which the same shall have been sold, unbroken and unopened; and provided further that said package shall not contain any bottle or vessel containing a less quantity than one quart.

Proviso

Proviso

Violation of Act misdemeanor

Section 3. Every violation of any of the provisions of this Act shall be a misdemeanor and upon conviction thereof the offender shall pay a fine of one hundred dollars (\$100) and

Penalty

OF PUBLIC REVENUE.

costs of prosecution, and shall also be imprisoned for a term of not less than one nor more than six months, and shall forfeit his license.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 11, A. D. 1907.

CHAPTER 41.

OF PUBLIC REVENUE.

AN ACT in Relation to the Licensing of Fruit Distilleries, and to the Sale and Removal of the Products thereof, and Prescribing Penalties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act every distiller of spirituous or alcoholic liquors from fruits or fruit juices before beginning operations, shall procure from the State Treasurer a license authorizing the operation of said distillery for the term of one year or the fractional part thereof from its date, paying therefor the sum of Two Hundred Dollars (\$200) for a license for one year, or the sum of Twenty Dollars (\$20) per month for a license for the fractional part of a year; Provided that the holder of any license for the operation of a fruit distillery, which is not yet expired, shall not be required to procure a license under the provisions of this Section until the expiration of the term of the said unexpired license.

Fruit distillers to procure license from State Treasurer
License fee

Section 2. That hereafter every distiller holding a license authorizing the distilling of spirituous or alcoholic liquors from fruits or fruit juices is authorized and empowered to sell his products in the quantity of one gallon or more, which shall

Licensee may sell product in quantities of one gallon or more

OF PUBLIC REVENUE.

not be drunk on the premises nor on any other premises under the control of the said distiller; Provided however, that this Section shall not be construed to authorize the sale of said products in any smaller quantity than one gallon to the single package, and provided further, that it shall be unlawful for any distiller to suffer or permit any liquor sold under the provisions of this Act, to be removed from the premises except in the package in which the same shall have been sold unbroken and unopened, and provided also, that no single vessel contained in any package so sold as aforesaid shall hold a less quantity than one quart.

Proviso

Proviso

Violation of
Act a misde-
meanor

Penalty

Section 3. That every violation of any of the provisions of this Act shall be a misdemeanor and upon conviction thereof the offender shall pay a fine of One Hundred Dollars (\$100) and costs of prosecution, and shall also be imprisoned for a term of not less than one nor more than six months, and shall forfeit his license.

Section 4. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 15, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 42.

OF PUBLIC REVENUE.

AN ACT Relating to the State Taxes of the Philadelphia, Baltimore and Washington Railroad Company, and Repealing Chapter 368, Volume 14, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the State Treasurer be and he is hereby authorized and directed to accept and receive from the Philadelphia, Baltimore and Washington Railroad Company in the year of our Lord One thousand nine hundred and seven and in each and every year thereafter, until otherwise directed by the General Assembly, the sum of Thirty-seven Thousand Dollars to be paid in equal quarterly payments, on the first day of April, July, October and January of each year, the first payment to be made on the first day of April, next, in lieu of all taxes which may hereafter become due from said Company in each year, as aforesaid, under any and all laws of this State, except such taxes as may become due under the provisions of an Act entitled, "An Act to raise revenue for this State," Passed August 11th, 1864, and excepting such taxes as may become due under the provisions of an Act entitled, "An Act relating to taxes for County and Municipal purposes," being Chapter 241, Volume 18, Laws of Delaware, passed at Dover, March 31, 1887.

Section 2. That upon the payment by the said Philadelphia, Baltimore and Washington Railroad Company to the State Treasurer of the sum of Thirty-seven thousand dollars, in equal quarterly payments, as aforesaid, in any year, it shall be the duty of the said State Treasurer, and he is hereby authorized to execute and deliver to said company a proper acquittance and discharge from the payment of all taxes due, or to become due in the year for which such payment shall have been made, except the tax due or to become due under the provisions of the aforesaid Act entitled, "An Act

P. B. & W. R. R.
Co., tax of

Annual
amount of

How paid

In lieu of what
taxes

State Treasurer
to give acquit-
tance

OF PUBLIC REVENUE.

to raise revenue for this State," being Chapter 458, Volume 12, Laws of Delaware, passed August 11th, 1864, and under said Chapter 241, Volume 18, Laws of Delaware.

Section 3. That nothing in this Act shall be construed to repeal, modify, or in any manner affect any existing law imposing taxes upon the said Company, otherwise than to suspend a collection of said taxes in any year which the said Company shall pay to the State Treasurer the amount specified in this Act, nor shall the provisions of this Act, or anything herein contained be construed into a contract exempting the said Company from the payment of such taxes as the legislature of this State may hereafter impose upon said Company.

Act not to repeal any existing law

Act not a contract exempting said Co. from payment of taxes hereafter imposed

P. B. & W. R. R. Co. may pay \$19000.00 in lieu of tax provided in Chap. 458, Volume 12

Act not to repeal Chapter 458, Volume 12

Not to be construed as contract exempting from taxes hereafter imposed

Chapter 368, Volume 14, repealed

Section 4. That if the said Philadelphia, Baltimore and Washington Railroad Company may desire to pay to this State a gross sum of Thirteen Thousand Dollars in lieu of the said Tax provided for in said Chapter 458, Volume 12, Laws of Delaware, in semi-annual installments, on the first day of October and the first day of April in each and every year beginning with the first day of April in the year 1907, it shall be the duty of the State Treasurer to receive the said amount from said Company in lieu of said tax until otherwise directed by the legislature of this State, but nothing in this Section shall be construed to repeal, modify, or in any manner affect the provisions of said Chapter 458, Volume 12, Laws of Delaware, otherwise than to suspend the collection of said tax for any year in which the said Company shall pay the gross amount aforesaid in the manner aforesaid in lieu of said tax; and nothing herein shall be construed as a contract exempting the said Company from such taxation as may hereafter be imposed by law.

Section 5. That Chapter 368, Volume 14, Laws of Delaware passed at Dover, April 11, 1873, entitled "An Act relating to the taxes of the Philadelphia, Wilmington and Baltimore Railroad Company" be and the same is hereby repealed.

Approved March 25, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 43.

OF PUBLIC REVENUE.

AN ACT to Amend Chapter 18 of Volume 22, Laws of Delaware, entitled "An Act to Re-adjust the Amounts to be Paid by 'The Delaware Railroad Company', in Commutation of its State Taxes".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 18 of Volume 22, Laws of Delaware be and the same is hereby amended by striking out all of Section 1 thereof after the words "Section 1" and by substituting therefor as a new Section the following, to wit:

That the Treasurer of the State be and he is hereby authorized and directed to accept and receive from The Delaware Railroad Company in the year of our Lord one thousand nine hundred and seven, and in each and every year thereafter until otherwise directed by the Legislature, the annual sum of Twenty Thousand Dollars, to be paid in equal quarterly installments of Five Thousand Dollars each on the first days of April, July, October, and January in each year, the first payment of Five Thousand Dollars to be made on the first day of April A. D. 1907, which said payments shall be in lieu of all taxes which may hereafter become due from said Company in each year as aforesaid, under any and all laws of this State, excepting such taxes as may become due under the provisions of an Act entitled, "An Act relating to Taxes for County and Municipal purposes", being Chapter 241, Volume 18, Laws of Delaware, passed at Dover, March 31, 1887; and upon each payment thereof in the manner aforesaid, the State Treasurer shall execute and deliver to said Company a proper acquittance therefor; provided, however, that nothing in this Act contained shall be construed to repeal, modify or in any manner affect any existing law imposing taxes upon the said Company, otherwise than to suspend collection of said taxes in any year in which the said Company shall pay to the State Treasurer the amounts specified in this Act, nor shall the provisions of this Act, or anything

Chap. 18, Vol. 22, amended

State Treasurer to receive tax from Delaware R. R. Co.

Annual amount of

How paid

Such payment in lieu of all taxes

Except

State Treasurer to execute acquittance

Not to modify or effect any existing law imposing taxes on said Co.

OF PUBLIC REVENUE.

Nor be construed as a contract exempting said Co. from payment of taxes hereafter imposed

herein contained, be construed into a contract exempting the said Company from the payment of such taxes as the Legislature of this State may hereafter impose upon said Company.

Approved March 25, A. D. 1907.

CHAPTER 44.

OF PUBLIC REVENUE.

AN ACT to Re-adjust the Amounts to be Paid by "The Baltimore and Philadelphia Railroad Company", in Commutation of its State Taxes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

B. & P. R. R.
Co., tax of

Annual
amount of
How paid

In lieu of what
taxes

Section 1. That if "The Baltimore and Philadelphia Railroad Company" shall pay to the State Treasurer, for the use of the State the annual sum of Thirty Thousand Dollars, in equal semi-annual instalments on the first day of April, and the first day of October in the year A. D. 1907, and on said days in each and every year thereafter, in commutation of all taxes under the provisions of the Act entitled "An Act to raise revenue for this State", passed at Dover, August 11, 1864, and of the Act entitled "An Act taxing Railroad and Canal Companies in this State", passed at Dover, April 8, 1869, and of an Act entitled "A Supplement to an Act entitled 'An Act to incorporate the purchasers of the Wilmington and Western Railroad' ", passed at Dover, March 1, 1881, such payments shall be accepted and received in commutation and payment of the taxes which would be otherwise collectible from said Company under the provisions of the three several Acts aforesaid.

Section 2. That this Act shall not in any wise abrogate, repeal or alter the provisions of either of the Acts mentioned

OF PUBLIC REVENUE.

and referred to in Section 1 of this Act, but shall only operate to suspend the execution and enforcement of the said several Acts, so long as such semi-annual payments shall be regularly and promptly made, or until it shall be otherwise provided by law.

Act only to suspend previous Acts so long as semi-annual payments are made

And further, that nothing herein contained shall be construed as a contract exempting or relieving the said company from any tax or taxes, which may be hereafter imposed by law.

Nor be construed as contract exempting said Co. from future legislation

Section 3. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved March 25, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 45.

OF PUBLIC REVENUE.

AN ACT to Amend Section 23 of Chapter 117, Volume 13, Laws of Delaware, entitled "An Act to Raise Revenue and Provide for the Current Expenses of the State Government", passed March 22nd, 1857, Providing that Express Companies shall Transport Free of Charge all Books, Papers and Public Documents for the State Treasurer and Auditor of Accounts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sec. 23, Chap.
117, Vol. 13,
amended

Section 1. That Section 23 of Chapter 117, Volume 13, Laws of Delaware, be and the same is hereby amended by inserting the words "State Treasurer, Auditor of Accounts" between the word "State" and the word "or" where said words first occur in line five of said section.

Penalty for
violation of
Act

Section 2. That Section 23 of Chapter 117, Volume 13, Laws of Delaware, be further amended by adding after the last word in said Section 23 the following, "And, if any person who is authorized by this Act to send or receive free-books, papers or public documents, shall ship or receive the same under the provisions of this Act, and said shipment shall not exclusively contain such books, papers or public documents, but shall contain other matter not intended by the provisions of this Act to be carried free; and any such person so shipping or receiving said shipment shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment he shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars, besides costs."

Approved March 21, A. D. 1907.

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CHAPTER 46.

OF PUBLIC REVENUE.

AN ACT Imposing a State Tax upon State Banks, National Banks, Saving Banks, Trust and Loan Companies and Providing for the Collection thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That every State Bank, National Bank, Savings Bank, trust and loan company doing business in this State shall pay to the State for the privilege of exercising its corporate franchises or carrying on its business in such corporate or organized capacity in this State an annual tax, which shall be one-fifth of one per centum upon the amount of its capital stock, surplus and undivided profits.

State tax on State banks, &c.

Rate of tax

Section 2. That every corporation or company or association liable to pay a tax under this Act shall, within the month of April, A. D. nineteen hundred and seven, and annually thereafter, make a written report to the Insurance Commissioner, upon blanks prepared and furnished by said Commissioner for that purpose, of the amount of its capital stock, surplus and undivided profits, for the date for which he shall call for a statement during said month of April.

Report of such banks, &c., when made and what to contain

Section 3. That every report or statement required by this Act shall have annexed thereto, the affidavit of the Cashier, Treasurer or Trust Officer of the corporation or company or association, attested by three of the directors, to the effect that the statements contained therein are true. The Insurance Commissioner may prescribe the form in which such report shall be made and the form of oath thereto. When so prescribed such forms shall be used in making the report or statement for the purpose of taxation under this Act.

Affidavit to report, by whom made

The report or statement shall be made by the Corporation, Company or association within twenty days from the time of

Within what time must be made after call

OF PUBLIC REVENUE.

Penalty for
delay

the call for said report or statement under a penalty of Twenty dollars for each and every day exceeding the twenty days.

If report is
unsatisfactory
Insurance
Commissioner
may make up
a report and
state an ac-
count as basis
of tax

Section 4. That in case any report or statement required by this Act shall be unsatisfactory to the Insurance Commissioner or if such report is not made as herein required, the Insurance Commissioner is authorized to make an estimate of the amount of the capital stock, surplus and undivided profits of any bank or company or association liable to taxation under the Act, from any such report or statement or from any other data and to order and state an account according to the estimate and value so made by him for the taxes and other charges due the State from such bank, trust and loan company.

Insurance
Commissioner
may examine
such banks,
when

The Insurance Commissioner shall also have power to examine or cause to be examined in case of a failure to receive the report, or in case the report or statement is unsatisfactory, to him, the books and records of any such corporation, company or association and may hear testimony and take proofs material for this information to properly make up a tax statement.

Insurance
Commissioner
may state an
account for
taxes due with
expenses

The Insurance Commissioner shall therefrom, or from any other data which shall seem to him to be satisfactory order and state an account for the tax due the State, together with the expense of such examination and the taking of such testimony and proofs. Such expenses shall be fixed and adjusted by the Insurance Commissioner.

Insurance
Commissioner
must notify
such bank of
account stated

Section 5. That upon auditing and stating every account for taxes or other charges under this Act, the Insurance Commissioner shall forthwith send notice thereof in writing to the corporation, company, or association against which the same is made, which notice may be mailed to the post-office address of such corporation, company or association.

Tax, when due

Section 6. That the tax imposed by this Act shall be due and payable to the Insurance Commissioner before the first day of June of each and every year. If such tax is not paid within twenty days after the same becomes due, the corporation, company or association liable to pay the same shall pay,

OF PUBLIC REVENUE.

to the Insurance Commissioner in addition to the amount of such tax, a sum equal to five per centum thereof and one per centum additional for each month the tax remains unpaid, which sum shall be added to the tax and paid or collected therewith.

Penalty for delay

Every corporation, company or association failing to make the report or statement required by this Act, shall forfeit to the State the sum of One Hundred dollars for every such failure and the additional sum of twenty dollars for each day that such failure continues.

Penalty for failure to make report

Such tax shall be a lien upon and bind all the real and personal property of the corporation, company or association liable to pay the same from the time when it is payable until the same is paid in full.

Tax a lien

Section 7. That the Insurance Commissioner may at any time within one year from the time any such report shall have been audited and stated, and notice thereof sent to the bank or company against which it is stated, revise and readjust such account on application therefor by the corporation, company or association against which the account is stated or by the attorney general, and if it shall be made to appear upon any such application by evidence submitted to him or otherwise, that any such account included taxes or other charges which could not have been lawfully demanded, or that payment has been lawfully made or exacted of any such account, he shall resettle the same according to law and the facts, and charge or credit, as the case may require, the difference, if any, resulting from such revision or resettlement upon the accounts for taxes of or against any such corporation, company or association. The Insurance Commissioner shall forthwith send written notice of his determination upon such application to the applicant, which notice may be sent by mail to the applicant's post-office address.

Insurance Commissioner may revise and readjust such account

Upon whose application

Resettlement made upon hearing

Notice of Insurance Commissioner

Section 8. That the determination of the Insurance Commissioner upon any application made to him by any corporation, company or association for a revision and resettlement of any account, as prescribed in this Act, may be reviewed both upon the law and the facts, upon appeal to the Superior Court, by the judges of the Superior Court, at the instance of

Appeal to Superior Court

OF PUBLIC REVENUE.

Duty of
Insurance
Commissioner
in appeal

any corporation, company or association affected thereby, and in the name and on the behalf of the State. For the purpose of such review the Insurance Commissioner shall return, on such appeal the accounts and all the evidence before him on such application, and all the papers and proofs upon the original statement of such account and all proceedings thereon. If the original or resettled account shall be found erroneous or illegal, either in point of law or of fact, by the judges of the Superior Court, upon such review, the account reviewed shall then be corrected and restated, and from any determination of the judges of the Superior Court upon any such review, an appeal to the Supreme Court may be taken by either party.

Appeal to
Supreme Court

Appeal, time
within which
may be taken

Appeal Bond

Section 9. That no appeal to review any audit and statement of an account or any determination by the Insurance Commissioner under this Act, shall be granted unless taken within thirty days after the service of the notice of such determination. The full amount of the taxes and other charges, audited and stated in such account, must be deposited with the Insurance Commissioner before taking the appeal and a bond filed with the Insurance Commissioner in such amount and with such sureties as a judge of the Superior Court shall approve, to the effect that if the determination of the Insurance Commissioner is affirmed, the applicant taking the appeal will pay all the costs and charges which may accrue against it, including costs of all appeals.

Bond, enforced
how

Section 10. That after the expiration of thirty days from the sending by the Insurance Commissioner of a notice of a statement of an account as provided in this Act, unless the amount of such account shall have been paid, or deposited with the Insurance Commissioner, if an appeal has been taken to review the same, and the bond given as provided in this Act, the Insurance Commissioner may issue a warrant under his hand and official seal, directed to the sheriff of any county of the State, commanding him to levy upon and sell the real and personal property of the corporation, company or association against which said account is stated, found within his county for the payment of the amount thereof and costs of executing the warrant, and return such warrant to the Insurance Commissioner and pay to him the money collected

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by virtue thereof, by a time to be therein specified, not less than sixty days from the date of the warrant. Such warrant shall be a lien upon and bind the real and personal property of the corporation, company or association against which it is issued, from the time an actual levy shall be made by virtue thereof. The sheriff to whom any such warrant shall be directed shall proceed upon the same without further writ or inquisition, and sell any personal or real property seized thereunder upon like advertisement and notice as is prescribed by law in respect to sales upon execution issued against property upon judgements of a court of record.

Section 11. That an action may be brought by the Attorney General, at the instance of the Insurance Commissioner, in the name of the State, to recover the amount of any account audited and stated by the Insurance Commissioner under the provisions of this Act. If any such account shall remain unpaid by any bank, savings bank, trust company or loan association incorporated under the laws of this State at the expiration of one year after notice of the statement thereof has been sent as required by this Act, and the Insurance Commissioner is satisfied that the failure to pay the same is wilful, he shall report to the Attorney General who shall immediately bring an action, in the name of the State, for the forfeiture of the franchise of any such corporation failing to make such payment, and if it is found that such failure was wilful, judgement shall be rendered in such action for the forfeiture of its franchise and for its dissolution, and thereafter such franchise shall be annulled.

Section 12. That the taxes prescribed by this Act shall be instead and in lieu of all other State taxes, except franchise taxes now or hereafter payable under the laws of this State.

This Act shall take effect and become operative upon the passage and approval of the Governor, and shall not be construed to exempt any corporation, company or association liable thereunder from the payment of any taxes due from or payable by any such bank or trust company to the State under existing laws or from taxes heretofore accrued against or due from such corporation, company or association doing a banking, trust or loan business.

Action brought to recover taxes

Proceedings to forfeiture of charter

Tax in lieu of what State charges

Act, when to become operative

Not to exempt from liability of taxes in arrears

OF PUBLIC REVENUE.

Exemption of
banking house
from State tax

Report must
show county
assessment of
banking
houses

The capital stock, surplus and undivided profits of the State Banks, National Banks, Savings Banks, Trust and Loan Companies taxed under this Act shall not include the County assessed value of any Banking House owned by said State Banks, National Banks, Savings Banks, Trust and Loan Companies employed by such financial institutions as offices for their business and upon which such financial institutions annually pay taxes to the County or Municipality within which they are located. That every corporation, company or association subject to the provisions of this Act shall include in the annual report provided for in Section 2 a statement of the County assessment valuation of any such Banking House or office building upon which it pays taxes as aforesaid

Approved March 29, A. D. 1907.

CHAPTER 47.

OF PUBLIC REVENUE.

AN ACT to Amend Chapter 15, Volume 22, Laws of Delaware being An Act entitled "An Act to Raise Revenue for the State by Taxing Certain Corporations".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein):

Sec. 4, Chap. 15,
Vol. 22,
amended

Section 1. That Section 4 of said Chapter 15 as printed and published in Volume 22, Laws of Delaware, entitled "An Act to Raise Revenue for the State by taxing certain Corporations", be and the same is hereby amended by striking out all between the word "tax" where it first occurs in the fifty-first line of said section and the word "provided" where it occurs in the fifty-ninth line of said Section and inserting in

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lieu thereof the following, viz., "for the year 1907 or such portion thereof as the company is in existence at the rate of one-fortieth of one per cent on all amounts of capital actually paid in, up to and including the sum of One Million Dollars, and the further sum of thirty dollars per year on each million dollars actually paid in, or any part thereof, in excess of one million dollars; but beginning with the year 1908 and continuously thereafter they shall pay an annual license fee or franchise tax to the State Treasurer for the use of the State as follows, viz; "where the amount of the authorized capital stock does not exceed Twenty-five Thousand Dollars, they shall pay five dollars; where the amount of the authorized capital stock exceeds Twenty-five thousand dollars, but is not more than One Hundred Thousand Dollars, they shall pay Ten Dollars; where the authorized capital stock exceeds One Hundred Thousand Dollars, and is not more than Three Hundred Thousand Dollars, they shall pay Twenty Dollars; where the authorized capital stock exceeds Three Hundred Thousand Dollars and is not more than Five Hundred Thousand Dollars they shall pay Twenty-five Dollars; where the authorized capital stock exceeds Five Hundred Thousand Dollars, and is not more than One Million Dollars, they shall pay Fifty Dollars, and the further sum of Twenty-five Dollars per year on each million dollars or part thereof in excess of one million dollars; provided they shall only be required to pay one-half of the amount of taxes scheduled above in cases where the company shall show in its annual report that it is not engaged in any business, but in no case shall the amount of tax be less than five dollars for any year.' "

Rate for franchise tax.

When franchise tax shall be abated.

Section 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 29, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 48.

OF PUBLIC REVENUE.

AN ACT to Provide for the Payment of a Part of the Debt of this State by an Issue of Bonds of the State.

Preamble

Whereas, it is apparent that the revenues of the State will be insufficient to provide the means for payment at maturity, of the whole of that part of the public debt of this State represented by the two hundred and fifty bonds of one thousand dollars each, the issue of eighteen hundred and eighty-seven, authorized by the Act of the General Assembly passed at Dover, March 15, 1887; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Issuance of
\$250,000.00
refunding
bonds

Section 1. That the State Treasurer be and he is hereby authorized and directed to issue bonds of the State of Delaware to the amount of Two hundred and fifty thousand dollars, each bond to be of the value of One thousand dollars, with coupons or interest warrants thereto attached for each half year's interest thereon.

Rate of interest

The said bonds shall be numbered consecutively from one to two hundred and fifty inclusive, shall be dated June 1, 1907, and shall bear interest from and after that date at a rate not exceeding four per centum per annum, payable semi-annually on the first days of June and December in each and every year while they remain unpaid, payable at the Farmers' Bank at Dover, on presentation of the coupons representing such semi-annual installments of interests. The principal of said bonds shall be payable at the Farmers' Bank at Dover, on the first day of June, A. D. 1932, on presentation and surrender of said bonds.

Bonds mature

How executed

The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer on behalf of this State, and shall have the Great Seal impressed thereon or affixed thereto. The signature of the State Treasurer shall be en-

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graved or printed on each coupon and the coupons attached to each bond shall be numbered consecutively from one to fifty respectively.

Section 2. That the State Treasurer be and he is hereby authorized, directed and required to advertise for the space of two weeks in one daily newspaper published in each of the Cities of New York and Philadelphia, and for the like period in two daily newspapers published in the State of Delaware, preceding the first day of May, A. D. 1907, for bids or proposals for the whole amount of the loan by this Act authorized. Each bid or proposal must be in writing, must state the bidders' full name and place of residence, and must be for at least ten per centum of the amount of the loan; and each bid must be accompanied by certified check to the order of the State Treasurer for five per centum of the amount of the bid, which shall be retained and held as security for the compliance of the bidder with his undertaking in that behalf. In case any bidder to whom the whole or any part of the loan shall be awarded fails or omits for the space of ten days after the date of such award to pay the State Treasurer the amount of his bid, the said percentage shall be absolutely forfeited to the State. All bids must be addressed to the State Treasurer at Dover, Delaware, and must be indorsed on the envelope, "proposal for Delaware State Loan". In the said advertisements the amount of the loan, the rate of interest, the character and the denomination of the bonds and condition thereof as to payment of principal and interest, shall be substantially stated.

Section 3. That on the first day of May, A. D. 1907, the State Treasurer, Secretary of State, and Auditor of Accounts shall meet in the office of the Secretary of State, in the town of Dover, at 11 o'clock A. M., and shall constitute a commission to open the said bids or proposals and to award the said bonds to the highest bidder or bidders whose proposal shall conform to the requirements of Section 2 of this Act. No bids less than the par value of the bond shall be accepted. After the said loan shall have been awarded the certified check accompanying the proposal of unsuccessful bidders shall be forthwith returned to them by the State Treasurer, and the check or checks of the successful bidder or bidders

Advertisement
for bids

Conditions of
bids

Bidder failure
to pay forfeits
sum deposited

Commission to
open bids

OF PUBLIC REVENUE.

Funds to be paid by bidders, when

shall be immediately deposited in the Farmers' Bank at Dover, to the credit of the State Treasurer, and shall, if such bidder or bidders pay within ten days thereafter the residue of the whole amount bid by him or them, constitute part payment on his or their bid, or otherwise shall be forfeited to the State; provided, that a rebate at the rate of four per centum per annum, shall be allowed to such successful bidder or bidders on the amount of his or their deposit from the date of the award, to the first day of June, A. D. 1907, and also a like rebate on the balance of his or their bid from the date of its payment to the State Treasurer until the said first day of June, A. D. 1907, (when interest shall commence to accrue on the bond) which said allowance shall be made by way of abatement from the amount of his or their bid or bids. It shall be the duty of the said commission to make an accurate record of each of the several proposals opened by them, showing the name of the bidder, his place of residence, the amount of the bid, and the amount of the certified check accompanying the same, and the said record shall likewise show the award of the said loan. This record shall be filed in the office of the Secretary of State and shall be subject to inspection at any time.

Rebate for interest

Record of acts of commission

Record, when filed

State Treasurer to prepare bonds

Section 4. Immediately afterward the award of the loan by the said commission, as hereinbefore provided, it shall be, and it is hereby made the duty of the said State Treasurer forthwith to cause to be prepared two hundred and fifty bonds of the State of Delaware, as provided in Section 1 of this Act. The cost of printing or engraving said bonds shall not exceed the sum of Three hundred dollars.

Section 5. That the said bonds shall be in the following forms to wit:

"UNITED STATES OF AMERICA.

Form of bond

.....State of Delaware. Loan of 1907.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars, lawful money of the United States of America which the said State promises and binds itself to pay to the bearer at the Farmers' Bank at Dover, on the first day of June, A. D. 1932, with interest at the rate of four per

OF PUBLIC REVENUE.

centum per annum, likewise payable at the said Farmers' Bank at Dover, on the first day of June and December in each and every year while the said principal sum remains unpaid, upon presentation of the coupon hereto annexed representing such semi-annual installment of interest.

Dated at Dover, the first day of June, A. D. 1907.

Witness the Great Seal of said State and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

(Great Seal)

.....Governor.
.....Secretary of State.
.....State Treasurer.

An the coupon shall be in the following form, to wit:

"The State of Delaware will pay to the bearer at the Farmers' Bank at Dover, on the First day of....., A. D....., the sum of twenty dollars, for six months' interest on bond No....., Loan of 1907, dated June 1, 1907.
.....State Treasurer."

Form of coupon

After they have been signed by the Governor and Secretary of State, and the Great Seal shall thereon have been impressed said bonds shall be delivered to the State Treasurer by the said Secretary of State, who shall take from the State Treasurer, a receipt for the same, and shall file said receipt in his office. When the said bonds are delivered by the State Treasurer to the successful bidder he shall also take from such bidder a receipt for the same and file said receipt in the office of the Secretary of State.

Secretary of State to deliver bonds when executed to State Treasurer

Receipt from bidder to State Treasurer filed with Secretary of State

It shall be the duty of the State Treasurer to provide a record of proper size and proportion to be retained in his office, so ruled as to afford a separate space for each coupon and a space at the top of each page of said record for each bond, when paid or redeemed, and each space at the top of said record shall bear the same number as the bond, a record whereof is intended to be therein preserved. As the said coupons are paid it shall be the duty of the State Treasurer

Record to be provided by State Treasurer

Entries therein

OF PUBLIC REVENUE.

to mark the same across the face "Paid" in red ink, cut each of them in two pieces lengthwise and place the pieces in the appropriate space for such coupon in the record aforesaid; and as the said bonds shall be paid the State Treasurer shall cause the same to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following words: "This bond paid this day of A. D., by the payment of the sum of one thousand dollars (\$1,000.00) principal and dollars interest representing by coupon No., by State Treasurer."

And all coupons surrendered with the bond shall each likewise be endorsed, "Cancelled by the redemption of Bond No." in red ink. When paid the said bonds shall be pasted in the appropriate space in the record aforesaid; and all coupons paid or surrendered shall likewise be pasted in their appropriate spaces in such record.

Resubmission,
when and how

Section 6. In case no bid or proposal at or above par shall be received, together with the bidder's certified check, pursuant to the advertisement authorized to be made by Section 2 of this Act; or in case any bidder to whom the whole or any part of said loan shall be awarded pursuant to such advertisement shall fail to comply with his undertaking by paying the balance of his bid within ten days after the date of such award, it shall be and is hereby made the duty of the State Treasurer to advertise in the same newspapers indicated by Section 2 of this Act, for the space of fifteen days prior to the twentieth day of May A. D. 1907, for other bids or proposals for such amount of said loan, which said bids or proposals shall in all respects conform to the requirements in that behalf of Section 2 of this Act; and on the twentieth day of May, A. D. 1907, at eleven o'clock A. M., the commission constituted by Section 3 of this Act shall meet at the office of the Secretary of State, in the town of Dover, and open the said bids, award the the said loan, and make record of their proceedings in all respects as required by Section 3 of this Act.

Section 7. That as soon as the award of the said loan shall

OF PUBLIC REVENUE.

have been made by the said Commission, the State Treasurer shall cause notice in writing to be served upon the successful bidder or bidders of the fact and also notify him or them that the balance of his or their bid will be required to be paid to said State Treasurer at his office in the town of Dover, within ten days from the date of said award, or that his or their cash deposit will be forfeited to the State.

Successful bidder to be notified

Section 8. That if two or more persons shall bid the same amount for the said loan the said commission shall have power and authority to award the whole loan to any one of them.

Commission may award to any one of two persons bidding same

Section 9. That all the moneys received by the State Treasurer from the sale of two hundred and fifty of the bonds by this Act authorized to be issued, shall be, and they are hereby specially pledged and appropriated to the payment of the present debt of this State; and so much thereof as shall be necessary shall be appropriated and applied to the payment and extinguishment of two hundred and fifty bonds, the issue of 1887 authorized by the act of the General Assembly, passed at Dover, March 15th, 1887.

Funds arising from issue pledged to retire issue of 1887

Section 10. That the public faith is hereby expressly pledged to the full and complete payment of the principal and interest of the bonds by this Act authorized, and the said bonds shall be exempt from taxation for any purpose by this State.

Public faith pledged

Exempt from taxation

Section 11. That the State Treasurer is hereby authorized to cause all the blanks in the forms of the said bonds and coupons hereinbefore prescribed to be appropriately filled, in conformity to the provisions of this Act; and all expenses of advertising, preparing the bonds, or other matters connected with the issuing and delivering the same, shall be allowed to and paid by him out of any unappropriated money in the treasury, he producing and exhibiting the necessary vouchers therefore as by law required with reference to other disbursements of the public fund.

State Treasurer to fill all blanks

State Treasurer to pay all expenses of issuance of bonds

Section 12. That when and as soon as the State Treasurer shall have received five per centum of the bid, as hereinbefore provided for, he shall forthwith give notice, in accord-

State Treasurer to give notice of redemption of issue of 1887

OF PUBLIC REVENUE.

ance with the requirements of Section 2 of the Act entitled "An Act to provide a mode for the refunding of a part of the public debt of this State at a lower rate of interest", passed at Dover, March 15th, 1887, that the State elects to redeem the whole number of bonds of the issue of 1887, being the loan authorized by the said Act which now remains unredeemed and that the same will be redeemed on presentation at the place prescribed in said Act for the payment thereof, on and after the first day of June, A. D. 1907. and that the interest thereon will cease from and after the date fixed by said notice.

Approved March 28, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 49.

OF PUBLIC REVENUE.

AN ACT in Relation to the Erection of Additional Buildings and for other Improvements for the Delaware State Hospital at Farnhurst, and to Provide the Necessary Funds therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein):

Section 1. That the State Board of Trustees of The Delaware State Hospital at Farnhurst be and they are hereby authorized and empowered to erect, equip and light, or cause to be erected, equipped and lighted, an additional building for the care and treatment of the insane who are now, or hereafter may be, in said institution, at a cost not to exceed Forty Thousand Dollars, to be paid by the State Treasurer of this State to the said Board of Trustees on the order of the president of the said Board out of the funds to be raised as hereinafter provided.

Section 2. That for the purpose of raising the funds necessary to carry into effect the provisions of Section 1 of this Act, the State Treasurer of this State is hereby authorized, required and directed, before the first day of July next, to cause to be prepared forty bonds of the State of Delaware of the denomination of One Thousand Dollars each, with coupons or interest warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from one to forty inclusive, shall be dated the first day of July, A. D., nineteen hundred and seven, and shall bear interest from and after that date at the rate of Four Per Centum per annum, payable semi-annually on the first days of January and July in each and every year while they remain unpaid, at the Farmers' Bank of the State of Delaware at Wilmington on presentation of the coupon representing each semi-annual installment of interest. The principal of said bonds shall be

Delaware State Hospital authorized to erect additional building

Funds to be paid to Board of Trustees

State Treasurer to prepare bonds before July 1st

Bonds bear date

Rate of interest

OF PUBLIC REVENUE.

Payable when payable on the first day of July, A. D., nineteen hundred and twenty-seven, at the said Farmers' Bank at Wilmington on presentation and surrender of the said bonds, but the same or any part thereof may be redeemed at the option of the State on any first day of January or first day of July in or after the year nineteen hundred and seventeen, upon thirty days' notice published in one newspaper in the City of Philadelphia, and in one newspaper in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed.

Bonds, how executed

Called "Delaware State Hospital Improvement Bonds, Second Series"

The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer on behalf of the State, and shall have the great seal impressed thereon or affixed thereto, and shall be known as "Delaware State Hospital Improvement Bonds, Second Series." The signature of the State Treasurer shall be engraved or printed on each coupon, and the coupons attached to each bond shall be consecutively numbered from one to forty inclusive.

Section 3. The said bonds authorized to be issued by this Act shall be in the following form, except that the blanks in the following form shall be properly filled before the said bonds, or any of them, shall be issued, to-wit :

Form of bond

Delaware State Hospital Improvement Bond.
Second Series.

Issued in accordance with the provisions of an Act of the General Assembly of the State of Delaware, passed at Dover, the _____ day of _____, A. D., nineteen hundred and seven.

United States of America.

State of Delaware.

No.....

\$1000.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of One Thousand Dollars, lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank of the State of Dela-

OF PUBLIC REVENUE.

ware at Wilmington on the first day of July, A. D., nineteen hundred and twenty-seven, with interest at the rate of Four Per Centum per annum, likewise payable at the said Farmers' Bank of the State of Delaware at Wilmington on the first days of January and July in each and every year whilst the said principal sum remains unpaid on the presentation of the coupon hereto annexed representing such semi-annual installment of interest. Provided, however, and it is expressly stipulated, that the said State reserves the right and power at its option to call in, pay and redeem this bond on the first day of January or July in or after the year A. D., nineteen hundred and seventeen, pursuant to the notice in that behalf prescribed by Act of Assembly under authority of which this bond is issued. And provided further, that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of January or July (as the case may be) next succeeding the date of such notice.

Dated at Dover the first day of July, A. D., nineteen hundred and seven.

Witness the great seal of the said State and the hands of the Governor, Secretary of State and State Treasurer, respectively, the day and year aforesaid.

.....Governor.
Secretary of State.
State Treasurer.

And the coupon shall be in the following form, to-wit:

Form of
coupons

No.

The State of Delaware will pay to bearer at the Farmers' Bank of the State of Delaware at Wilmington on the first day of _____, A. D. _____, the sum of Twenty Dollars for six months' interest on bond No. _____ of Delaware State Hospital Improvement Bonds, Second Series, dated July first, nineteen hundred and seven.

.....
 State Treasurer.

OF PUBLIC REVENUE.

Section 4. That when the said State Treasurer shall have cause to be prepared the bonds authorized by this Act, and when the blanks in the form of the said bonds and the coupons thereto attached shall have been properly filled, and when the same shall be duly signed and sealed as hereinbefore provided in that behalf, it shall be the duty of the State Treasurer on or before the first day of July, A. D., nineteen hundred and seven, to negotiate, sell and dispose of, either at public or private sale, all of the said bonds for the highest and best price that he may be able to obtain for the same, and to deliver the same to the purchaser or purchasers thereof upon the receipt by him of the purchase money therefor. Provided, however, that none of said bonds shall be sold or disposed of for less than the face value thereof. And provided further, that if said bonds be sold at public sale, due and proper notice of the time and place of such sale shall be given by the said State Treasurer, and the proceeds of the sale of said bonds, when received by the State Treasurer, shall be deposited by him to his credit as State Treasurer in the Farmers' Bank of the State of Delaware, and shall be the fund out of which shall be paid the order or orders drawn on the State Treasurer by the President of the State Board of Trustees of The Delaware State Hospital at Farnhurst, as authorized by the first Section of this Act.

State Treasurer
to negotiate
sale of bonds

Proviso

Funds, how
disbursed

Record for
issue

Entries therein

Section 5. It shall be the duty of the State Treasurer to provide a record of proper size and proportions, to be retained in his office, so ruled as to afford a separate space for each coupon, and a space at the top of each page of said record for each bond when paid or redeemed; and each space at the top of said record shall bear the same number as the bond of which a record is intended to be therein preserved.

As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid", cut each of them in two length-wise, and paste the pieces in the appropriate space for such coupon in the record aforesaid, and as the said bonds shall be paid or redeemed, the State Treasurer shall cause the same to be canceled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following words: "This

OF PUBLIC REVENUE.

bond paid (or redeemed as the case may be) this day of _____, A. D. _____, by the payment of the sum of One Thousand Dollars principal, and _____ Dollars interest represented by coupon No. _____

By

.....

State Treasurer."

And all coupons unmatured and surrendered with each bond redeemed shall each likewise be endorsed "Canceled by the redemption of bond No. _____" in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate spaces in the record aforesaid, and all coupons paid or surrendered shall likewise be pasted in their appropriate spaces in such record.

Section 6. That the public faith is hereby expressly pledged for the full and complete payment of the bonds, principal and interest, by this Act authorized; and that the said bonds shall be exempt from taxation by this State for any purpose; and the State Treasurer is hereby authorized and directed to cause all blanks in the forms of the said bonds and coupons hereinbefore prescribed to be appropriately filled.

Section 7. That all expenses of preparing, issuing, selling and delivering the bonds by this Act authorized shall be allowed to the State Treasurer and paid out of any unappropriated funds in the State Treasury, he producing and exhibiting the necessary vouchers therefor, as by law required with reference to other disbursements of public funds.

Approved April 4, A. D. 1907.

OF PUBLIC REVENUE.

CHAPTER 50.

OF PUBLIC REVENUE.

AN ACT to Purchase a Farm for Experimental Purposes in the Interest of Agriculture, and to Authorize the Issuance of Bonds of the State of Delaware to Obtain Funds for the Payment and Equipment of said Farm.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each house concurring therein):

State Treasurer
issue bonds
\$20000.00

Section 1. That the State Treasurer be and he is hereby authorized to issue bonds of the State of Delaware to the amount of Twenty Thousand Dollars, each bond to be of the value of One Thousand Dollars with coupon or interest warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 20 inclusive, shall be dated July 1, A. D. 1907, and shall bear interest from and after that date at a rate not exceeding four per centum per annum, payable semi-annually on the first days of January and July in each and every year, while they remain unpaid, payable at the Farmers' Bank in the City of Wilmington, Delaware, on presentation of the coupon or interest warrant representing such semi-annual installments of interest. The principal of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Wilmington, on the first day of July, A. D. 1917, on presentation and surrender of said bonds. The said bonds shall each be signed by the Governor, Secretary of State, and State Treasurer, on behalf of this State, and shall have the Great Seal impressed thereon or affixed thereto. The signature of the State Treasurer shall be engraved or printed on each coupon or interest warrant, and the coupon or interest warrant attached to each bond shall be numbered consecutively from 1 to 20 respectively.

Rate of interest

When payable

How executed

Section 2. The said Bonds authorized to be issued by this Act shall be in the following form, to wit:

OF PUBLIC REVENUE.

UNITED STATES OF AMERICA
STATE OF DELAWARE.

Form of bonds

No..... .. Loan of 1907.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of One Thousand Dollars, lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank in the City of Wilmington, Delaware, on the first day of July, A. D. 1917, with interest (at a rate not exceeding four per centum per annum) likewise payable at the Farmers' Bank in the city of Wilmington, Delaware, on the first days of January and July, in each and every year, whilst the said principal sum remains unpaid, on the presentation of the coupons or interest warrants thereto annexed, representing such semi-annual instalments of interest.

Dated at Dover, the first day of July, A. D. 1907.

(Great Seal) Witness the Great Seal of the State of Delaware, and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

..... Governor.
..... Secretary of State.
..... State Treasurer.

And the coupon shall be in the following form, to wit:

No..... ..

The State of Delaware will pay to the bearer at the Farmers' Bank of the State of Delaware, at Wilmington, on the first day of..... A. D.,..... the sum of Dollars, for six months' interest on Bond No..... loan of 1907, dated July 1, 1907.

..... State Treasurer.

Section 3. That it shall be the duty of the State Treasurer to provide a record of the proper size and proportions to be retained in his office, so ruled as to afford a separate space for

Record for
issue

OF PUBLIC REVENUE.

each coupon or interest warrant, and a space at the top of each page of said record for each Bond when paid, and each space at the top of said Record shall bear the same number as the Bond, a record whereof is intended hereby to be preserved. As the said coupons or interest warrants are paid it shall be the duty of the State Treasurer to mark the same in red ink across the face, "paid"; cut each of them in two-lengthwise; and paste the pieces in the aforesaid space for such coupon or interest warrant in the record aforesaid, and as the said bonds shall be paid the State Treasurer shall cause the same to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State, and State Treasurer, and also by writing across the face thereof in red ink, the following words:

Entries therein

"This Bond paid this.....day of.....
 A. D.....by the payment of the sum of \$1000 principal and.....Dollars interest, represented by coupon or interest warrant No.....by
State Treasurer.

Sale of bonds, how made

Section 4. The bonds hereby authorized to be issued shall be offered for sale by the State Treasurer upon such public advertisement, upon such competitive bidding, with such requirements as to deposit of a portion of the purchase money with each bid therefor, and subject to such conditions as shall, in the judgment of said State Treasurer, be conducive to the fair and favorable disposition of said bonds. Said State Treasurer shall also prescribe such regulations for the reception, consideration and acceptance or rejection of bids for said bonds as shall by him be deemed reasonable and proper.

Public faith pledged

Section 5. The public faith is hereby expressly pledged for the full and complete payment of the loan, principal and interest by this Act. invited and authorized, and the bonds hereby authorized to be issued to secure the same, and that the said bonds shall be exempt from taxation by this State for any purpose, and the State Treasurer is hereby authorized and directed to cause all blanks in the form of the said bonds and coupons or interest warrants hereinbefore prescribed to be appropriately filled.

Exempt from taxation

OF PUBLIC REVENUE.

Section 6. That the proceeds of the sale of the bonds authorized by this act to be issued shall be paid by the State Treasurer to the Commissioners hereinafter named, the receipt of the Chairman of said Commissioners to him being a full and complete voucher for said payment, to be applied by them to the purchase and equipment of a farm as hereinafter mentioned to be managed and conducted by the Board of Trustees of Delaware College at Newark, in the State of Delaware, for experimental purposes in providing efficient instruction in agriculture and in conducting investigations and original research in connection with the experimental station established as a department of said College under and pursuant to an act of Congress, entitled "An Act to establish Agricultural Experiment Stations in connection with the Colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and Acts supplementary thereto", approved on the second day of March, A. D. 1887.

Funds, to whom paid

To purchase farm for Experimental Station

Section 7. That the said commissioners hereinafter named, or a majority of them, shall, as soon as practicable after the passage of this act, procure a suitable farm for the purposes in Section 5 of this act designated; the title of said farm shall be vested in the State of Delaware, which is hereby authorized and empowered to take, receive and hold the same. The Commissioners hereinafter named, or a majority of them, in order to carry into effect the objects and purposes of this act, are, in their discretion, hereby authorized and empowered to expend and apply such portion of the funds resulting from the sale of said bonds for the purpose of erecting or repairing any building or buildings on said farm, purchasing of any machinery, appliances, equipment or stock for said farm, as in their discretion they may consider advisable.

Commission authorized to purchase farm

Title, in State

Commission may also improve farm

Section 8. That Preston Lea, David C. Rose, Oliver A. Newton, John P. Wilson, William H. Evans, Edward R. Knotts, Albert Harrington, William T. Jester and John W. Messick are hereby appointed and constituted Commissioners. The said Commissioners so named shall meet and organize by the selection of one of their number for Chairman and another of their number for Secretary, and when said Commissioners are so organized, they shall have full power

Commissioners named

Organization of commission

OF PUBLIC REVENUE.

and authority to do and perform any and all the things necessary to carry into effect the provisions of this Act.

Income from
farm, how used

Section 9. That the income to be derived from said farm shall be applied by the said Board of Trustees to the maintenance of said farm, and the buildings and fences thereon, and for instruction in agriculture and in conducting investigations in original researches as provided in Section one of this Act.

Expenses to be
paid by State
Treasurer

Section 10. That all expenses of preparing, issuing and delivering the bonds by this act authorized, shall be allowed to the State Treasurer and paid out of any unappropriated money in the Treasury, he producing and exhibiting the necessary vouchers therefor, as by law required with reference to other disbursement of public funds; and further, that the Secretary of State and State Treasurer shall respectively receive such compensation for the services to be rendered, and performed by them under this act, as shall be allowed by the Legislative Committee, at its Session in January 1908, and such Committee is hereby expressly authorized to make such allowances and draw drafts on the State Treasurer accordingly.

Compensation
of State Treas-
urer and Secre-
tary of State

Approved March 29, A. D. 1907.

OF THE LEVY COURT.

CHAPTER 51.

OF THE LEVY COURT.

AN ACT to Authorize the Levy Court of New Castle County to Borrow Three Hundred Thousand Dollars to be Expended for the Permanent Improvement of Public Highways of New Castle County under the Provisions of Chapter 139, Volume 23, Laws of Delaware, entitled "An Act to Provide for the Repeal of Chapter 380, Volume 22, Laws of Delaware," being an Act entitled, "An Act to Provide for the Permanent Improvement of the Public Highways in the State of Delaware," and Providing for the Permanent Improvement of the Public Highways in New Castle County, Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Levy Court of New Castle County, be and is hereby authorized and empowered to borrow upon the faith and credit of said County, as hereinafter provided, a sum not exceeding Three Hundred Thousand Dollars, to be expended for the permanent improvement of highways of New Castle County, under the provisions of an Act entitled "An Act to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware," being an Act entitled "An Act to provide for the permanent improvement of the public highways in the State of Delaware" and providing for the permanent improvement of the public highways in New Castle County, Delaware," being Chapter 139, Volume 23, Laws of Delaware, and for the purpose of securing the payment of such sum, to issue bonds in denominations of one thousand dollars each and bearing such rate of interest, not exceeding four and one-half per centum per annum as said Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

Levy Court authorized to borrow \$300000.00

To be expended for highway improvement

To issue bonds therefor

Section 2. Said bonds shall be divided into twenty classes, and shall be paid at their face value as follows.

When payable

OF THE LEVY COURT.

Class.	Amount.	Year of Maturity.
A.	\$10,000.	1926
B.	\$10,000.	1927
C.	\$10,000.	1928
D.	\$10,000.	1929
E.	\$10,000.	1930
F.	\$15,000.	1931
G.	\$15,000.	1932
H.	\$15,000.	1933
I.	\$15,000.	1934
J.	\$15,000.	1935
K.	\$15,000.	1936
L.	\$15,000.	1937
M.	\$15,000.	1938
N.	\$15,000.	1939
O.	\$15,000.	1940
P.	\$20,000.	1941
Q.	\$20,000.	1942
R.	\$20,000.	1943
S.	\$20,000.	1944
T.	\$20,000.	1945

Redemption
period

Said bonds may at the option of the Levy Court contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five years from the date thereof, at a premium not to exceed five per cent.

Bonds, by
whom pre-
pared

Section 3. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of New Castle County, and shall be under the seal used by the Levy Court of New Castle

How executed

County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be the duty of the County Treasurer and the Levy Court to keep a record of said bonds.

Record

When sold

Section 4. Said bonds, or any part thereof, may be sold when and as the said Levy Court Commissioners shall by resolution determine, and until sold shall remain in the custody of the County Treasurer. Whenever in the judgment of

OF THE LEVY COURT.

the Levy Court Commissions* it shall be deemed desirable that any part or all of said bonds shall be sold, said Levy Court Commissioners may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of said Levy Court for affecting the sale or negotiation of said bonds.

Advertisement
for sale of
bonds

Section 5. Said bonds, principal and interest, shall be payable at the Farmers' Bank at Wilmington, Delaware, in gold coin of the United States of America equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by the Levy Court of New Castle County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the said Farmers' Bank when and as the same shall become due, and to pay said bonds when and as the respective classes mature, in accordance with the foregoing schedule. The said Levy Court in fixing the rate of taxation shall annually, until the first instalment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as may from time to time become due under the provisions of Section 2 of this Act.

Bonds, when
payable

Levy Court to
provide for
payment of
interest and
principal

Section 6. All of said bonds shall bear the same date, and shall be numbered from 1 to 300 inclusive. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the County Treasurer at the Farmers' Bank at Wilmington to the credit of the Levy Court of New Castle County, in a separate ac-

Bonds, dated
when

Funds arising
from sale of
bonds, how
deposited

*So Enrolled.

OF THE LEVY COURT.

Funds to be used for highway improvements only

Purchaser not bound to see to application of funds

Funds, where to be expended

count, and payments therefrom shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this Section provided, shall be used for any other purpose than for the permanent improvement of highways under the provisions of an Act entitled "An Act to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware, being an Act entitled "An Act to provide for the permanent improvement of the public highways in the State of Delaware," and providing for the permanent improvement of the public highways in New Castle County, Delaware," being Chapter 139, Volume 23, Laws of Delaware; and provided further that the purchasers or holders of said bonds shall not be bound to see to, or be affected by, the application of said money realized from the sale of said bonds; and provided further that of the money thus obtained, not less than the amounts hereinafter specified shall be spent in the following Hundreds for the permanent improvement of highways under the provisions of this Act, viz:

Appoquinimink Hundred, not less than \$14,000.00.
 Blackbird Hundred, not less than \$18,000.00.
 Brandywine Hundred, not less than \$29,500.00.
 Christiana Hundred, not less than \$44,000.00.
 Mill Creek Hundred, not less than \$36,000.00.
 New Castle Hundred, not less than \$27,000.00.
 Pencader Hundred, not less than \$26,000.00.
 Red Lion Hundred, not less than \$24,500.00.
 St. Georges' Hundred, not less than \$36,500.00.
 White Clay Creek Hundred, not less than \$34,000.00.

Order of districts to be improved

Section 7. The following roads shall be fully built and completed in the respective Hundreds under the provisions of this Act, in so far as the funds by this Act appropriated will permit, before any other roads in said Hundreds shall be built, viz:

In Appoquinimink Hundred, the road leading from Pine Tree to Odessa Causeway; after such road is completed then the road leading from Taylor's corner toward Dogtown.

In Blackbird Hundred, the road leading from Taylor's Bridge to the Iron Bridge.

OF THE LEVY COURT.

In Brandywine Hundred, the road leading from Talleyville on the Wilmington and Great Valley Turnpike Road to Perkins Corner on the Wilmington and Philadelphia Turnpike Road.

In Christiana Hundred, the Road leading from Wilmington through Newport to Stanton, exclusive of that portion of said road within the limits of the town of Newport; then the Lancaster Pike from Wilmington to Mill Creek Hundred line.

In Mill Creek Hundred, the road leading from Roseville to St. James Church; then the road leading from Marshallton to Mecannon's Church.

In New Castle Hundred, the River road leading from Tybouts' Cross-roads to Red Lion Creek Bridge; then the road leading from Wilmington from a point at or near Eden Park to the Town limits of New Castle.

In Pencader Hundred, the Depot Road from the Pencader Hundred line toward Cooch's Bridge for a distance of not less than two and one half miles; then a continuation of said road toward Summit Bridge.

In Red Lion Hundred, the road leading from Delaware City passing Clark Corner and the Catholic Protectory to Red Lion Creek Bridge on the River Road; then the road from Kirkwood towards St. Georges.

In St. Georges' Hundred, the road leading from Mount Pleasant to Boyd's Corner; then the road leading from Middletown Westerly toward the Maryland line.

In White Clay Creek Hundred, the Depot road from Pencader Hundred line to the town limits of Newark; then the Roseville Road from the Easterly limits of Newark to Roseville Bridge; then the Turnpike road from the Village of Christiana to White Clay Creek Bridge near Stanton Station.

Section 8. The bonds to be issued shall be in the following form to wit:

OF THE LEVY COURT.

Form of bonds

United States of America.

State of Delaware.

Class..... Number.....

New Castle County Highway Improvement.

Bond.

\$1000.00

\$1000.00

New Castle County in the State of Delaware, for value received hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers' Bank at Wilmington on the _____ day of _____ A. D. 19____, the sum of One Thousand Dollars with interest thereon at the rate of _____ per centum per annum, payable semi-annually on the _____ day of _____ and _____ in each year. This bond is one of the authorized issue of Three Hundred bonds aggregating Three Hundred Thousand Dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware approved A. D. 1907, entitled "An Act to authorize the Levy Court of New Castle County to borrow Three Hundred Thousand Dollars to be expended for the permanent improvement of public highways in New Castle County under the provisions of Chapter 139, Volume 23, Laws of Delaware, entitled "An Act to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware, being an Act entitled "An Act to provide for the permanent improvement of public highways in the State of Delaware," and providing for the permanent improvement of the public highways in New Castle County, Delaware," and in pursuance of a resolution of the Levy Court of New Castle County adopted _____ A. D. 190_____.

It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly, and that the faith and credit of said New Castle County are pledged for the punctual payment of the principal and interest of this bond according to the terms.

In Witness Whereof the County Treasurer, President of the Levy Court and Clerk of the Peace, of New Castle County have hereunto set their hands and the seal of the

OF THE LEVY COURT.

Levy Court of New Castle County, at the City of Wilmington, in Delaware, this day of A. D. 190 .

.....
County Treasurer of New Castle County.

.....
President of the Levy Court of New Castle County.

.....
Clerk of the Peace of New Castle County.

Section 9. Said bonds shall contain such provisions in addition to those set forth in Section 8 of this Act, and not inconsistent with the requirements of this Act, as said Levy Court shall determine. ^{Other conditions may be added}

Approved March 21, A. D. 1907.

OF THE LEVY COURT.

CHAPTER 52.

OF THE LEVY COURT.

AN ACT to Amend "An Act in Relation to the Levy Court of New Castle County," being Chapter 50, Volume 22, Laws of Delaware, by Changing the Boundaries of Certain Levy Court Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Chap 50, Vol.
22 amended

Section 1. That Section 1 of Chapter 50, Volume 22, Laws of Delaware, being "An Act in relation to the Levy Court of New Castle County," be and the same is hereby amended by striking out all of the words in said Section between the word "composed" in the third line of said Section and the word "and" in the fourteenth line of said Section and inserting in lieu thereof the words "of all that portion of the City of Wilmington East of the centre line of Market Street, and the said district shall be known as the First Levy Court District; another shall comprise and be composed of all that portion of the City of Wilmington West of the centre line of Market Street".

Changing
boundaries of
certain Levy
Court Districts

Section 2. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved March 5, A. D. 1907.

OF THE LEVY COURT.

CHAPTER 53.

OF THE LEVY COURT.

AN ACT in Relation to Dogs Registered in Incorporated Towns and Cities in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That every person residing within the limits of any incorporated Town or City in New Castle County and owning any dog or dogs, whether male or female, which have been assessed or registered in accordance with any law or ordinance of such Town or City and who have paid a tax or registration fee thereon shall have property in the same and be entitled to sue for and recover any damages that may accrue in consequence of the loss or injury thereof.

Dogs registered
in New Castle
Co. declared
property

Section 2. This Act shall be taken and deemed to be a public Act and printed as such.

Approved March 1, A. D. 1907.

OF THE LEVY COURT.

CHAPTER 54.

OF THE LEVY COURT.

AN ACT to Amend Chapter 27, Volume 19, Laws of Delaware, entitled "An Act in Relation to the Levy Court of Kent County", passed May 14, 1891, as Amended by Chapter 557, Volume 19, Laws of Delaware, passed January 26, 1893, by Increasing the Salaries of the County Treasurers of Kent and Sussex Counties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chap. 27, Vol.
19 amended by
Chap. 557, Vol.
19 amended

Salary of Coun-
ty Treasurer of
Kent and Sus-
sex Cos. in-
creased

Section 1. That Section 5, Chapter 27, Volume 19, Laws of Delaware, entitled "An Act in relation to the Levy Court of Kent County," as amended by Chapter 557, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out the words "five hundred" in the twenty-fifth line of said Section 5, and inserting in lieu thereof the words "eight hundred"; and that said Section 5 be further amended by adding, at the end of the first paragraph of said Section 5 the following words "in lieu of all other compensation."

Section 2. That this Act shall go into effect immediately upon the approval hereof; and all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved April 9, A. D. 1907.

OF THE LEVY COURT.

CHAPTER 55.

OF THE LEVY COURT.

AN ACT Directing the Levy Court of Sussex County to Make Additional Settlements with the County Treasurer.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Levy Court of Sussex County shall appoint a committee of three members to settle the accounts of the County Treasurer a majority of whom shall constitute a quorum and may act. The said committee shall sit during the months of February, May, August and November, at such times which they shall appoint, of which the County Treasurer shall have notice, to settle the accounts of said County Treasurer for the preceding quarter, at which times said County Treasurer shall bring before said committee all books, papers, records and vouchers relating to the finances of Sussex County. The settlement shall be signed by the committee and by said County Treasurer, and reported at the next regular meeting of the Levy Court, and filed among the papers of the court.

Levy Court of Sussex County to make quarterly settlements with Co. Treasurer

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 4, A. D. 1907.

OF ASSESSORS.

CHAPTER 56.

OF ASSESSORS.

AN ACT to Amend Chapter 186, Volume 21, Laws of Delaware, entitled "An Act to Exempt Persons Residing in Incorporated Towns and Cities in New Castle County from Payment of Tax, for County Purposes, on any Dogs owned by them and kept within such Towns or Cities."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chap. 186, Vol.
21, amended

Section 1. That Chapter 186, Volume 21, Laws of Delaware be and the same is hereby amended by striking out all of Section three of said Act.

Section 2. This Act shall be taken and deemed to be a public Act and printed as such.

Approved March 1, A. D. 1907.

CHAPTER 57.

OF ASSESSORS.

AN ACT Creating a Board of Revision of Assessments for each Hundred or Assessment District in the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Board of Revision of Assessment created

Section 1. That the Levy Court Commissioners for the several Counties in this State shall annually in the month of December appoint two citizens from each hundred or assessment district in their respective counties, who are competent judges of the value of real and personal property and especially of buildings, who with the assessor of such hundred or district shall compose a Board of Revision of Assessments

OF ASSESSORS.

for such hundred or district; provided, however, that not more than one of the two citizens so appointed shall be of the same political party; and provided further, that such appointment shall not be made in years in which no assessment or revision of assessment is made.

Proviso

Appointment
for what years

Section 2. That the said Board of Revision shall sit between the hours of ten A. M. and five P. M. on the last Tuesday in January in New Castle and Sussex Counties, and between the same hours on the first Tuesday in March in Kent County, and each day thereafter during the same weeks, if necessary, and that such place or places in such hundred or district as it deems most convenient for the tax payers of such hundred or district. Notice of the time and place of sitting shall be posted by the assessor of such hundred or district in New Castle and Sussex Counties before the tenth day of January, and in Kent County before the twentieth day of February, in at least five public places in each of the election districts of such hundred or district.

Board when
and where to
sitNotice of sit-
ting, to be
posted

Section 3. That the said Board of Revision of which the said assessor shall be chairman, or a majority of them, shall at such times and places as provided in Section 2 of this Act, hear and determine all appeals, review and, in its discretion, revise, alter or change the assessment and generally have full power and authority to do whatsoever things necessary to make the assessments throughout such hundred or district fair and equitable; and shall have authority to call upon and demand the assessor to furnish it such data as he may have secured for the purpose of determining his assessments; provided, however, that said Board shall have no authority to hear and determine appeals and to revise the assessments at any time or times except such as provided by Section 2 of this Act. Any assessor failing to furnish such data demanded as aforesaid shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace be fined for each offense Five Dollars.

Board to hear
appealsMay revise
assessmentsBoard may call
on assessor for
certain dataPenalty for re-
fusal of assessor
to furnish data

Section 4. That the citizens so appointed shall receive for their services a per diem allowance of three dollars for each day said Board of Revision sits, not exceeding three days, which compensation shall be paid by the Levy Court Com-

Compensation
of members of
Board

OF ASSESSORS.

missioners for their respective Counties; if said Board of Revision sits for more than three days the citizens so appointed shall serve without compensation for all days after the first three days.

No appeal days
save those
fixed for said
Board

Section 5. That from and after the passage of this Act no assessor in any such hundred or district shall sit for the purpose of correcting errors or assessing persons omitted, except with the said Board of Revision as a member thereof as provided in this Act.

Duties of
Levy Court
Commissioners
unchanged

Section 6. That nothing in this Act shall in any way limit, change or interfere with the rights and duties of the Levy Court Commissioners for the several Counties of this State relative to assessments as now provided by law.

Section 7. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Approved April 9, A. D. 1907.

OF ASSESSORS.

CHAPTER 58.

OF ASSESSORS.

AN ACT in Relation to Assessments in White Clay Creek Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the passage of this Act the Assessor of White Clay Creek Hundred shall specify in his assessment book the real and personal property within the Town of Newark and the real and personal property outside of said Town. Assessor must specify where property located

Section 2. That the duplicate delivered to the Collector shall also specify the real and personal property within the said Town of Newark and the real and personal property outside said Town. Duplicate to specify where property located

Section 3. That any assessor violating any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars or imprisoned for not more than three months or both at the discretion of the Court. Assessor violating Act guilty of misdemeanor

Approved March 13, A. D. 1907.

OF COLLECTORS.

CHAPTER 59.

OF COLLECTORS.

AN ACT in Relation to Lands Sold for County Taxes in New Castle County.

Preamble Whereas, there exists grave doubt in regard to the titles of lands sold for County Taxes in New Castle County, whereby purchasers at tax sales have been unable to make marketable titles thereto; and

Preamble Whereas, by reason thereof, the County of New Castle, has been unable to collect the taxes due, necessary to maintain the County government, amounting to a large sum of money.

Now, therefore, for remedy thereof,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Title to lands sold for taxes completed after three years

Section 1. That from and after the expiration of three years from the day of the sale at public vendue of any lands heretofore or hereafter sold for county, road or poor taxes in New Castle County, the purchaser of any such land sold as aforesaid, his heirs and assigns, shall have, possess, and enjoy an estate therein and a title thereto in fee simple, provided, that no action shall have been commenced as is in this act hereafter provided.

Limitation of action to recover lands sold for county taxes

Section 2. That no action shall be brought to recover any land, or to try the title to any land sold for County, road or poor taxes in the County of New Castle, by any person claiming right or title prior to any such sale, after the expiration of three years from the day of the date of such sale; provided, however, in relation to sales held before the approval of this act, as follows, to wit: if said three years have not yet expired the right of action shall continue only until the expiration thereof and no longer; if said three years have passed or expired, then and in such case, the right of action shall continue until the end or expiration of the fourth year from

OF COLLECTORS.

the day of the date of such sale and no longer; if four years have passed or expired, then and in such case the right of action shall continue until the end or expiration of the fifth year from the day of the date of such sale and no longer; if more than five years have passed or elapsed, then and in such case there shall be no right of action.

Section 3. Any person wishing to bring an action of ejectment for land on which no person resides, and which land has been sold for County Taxes may bring his action against and serve the writ on the person who purchased the said lands; and if such person can not be found in New Castle County, then the Court after the return day of the writ, may, **on motion of the plaintiff, or his attorney, grant a rule on the defendant, describing the premises, to appear and plead, which rule shall be published for thirty days, every other day before the return day thereof in a daily newspaper of New Castle County; and if no person appears, then the Court, on proof of publication, shall on motion in open Court, at the stated term, give judgement by default; but when the purchaser appears, or some person claiming under the purchaser, the Court shall cause the person or his legal representative so claiming under the purchaser, to be made defendant, and the cause shall be proceeded in and tried on the respective titles of the parties, as fully as if there was an actual occupation of the land.**

Service of
process

Substituted
service

Proceedings
when purchas-
er appears

Section 4. Any person, entitled to any action comprehended within the provisions of this act, under the disability of infancy or incompetency of mind, may, by his or her guardian or trustee, or, in case such person be without a guardian or trustee, then by a guardian ad litem or trustee ad litem, to be appointed by the Court, upon petition, bring any action under the provisions of this act to recover any land sold for County Taxes, as fully and to the same effect and intent as if such person was sui juris; otherwise any such person shall be forever barred and excluded therefrom.

How infants
and lunatics
may sue

Section 5. That all acts or parts of acts inconsistent herewith or manifestly superceded hereby, be and the same are hereby repealed.

Approved March 5, A. D. 1907.

OF COLLECTORS.

CHAPTER 60.

OF COLLECTORS.

AN ACT to Amend an Act entitled "An Act in Relation to the Collection of Taxes for New Castle County," passed at Dover, May 29, 1897, as Published at Page 2 of the Appendix to Volume 20, Laws of Delaware, Providing for the Collection of Certain Taxes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 35,
page 2 of Ap-
pendix Vol. 20,
amended

Section 1. That Section 35 of the Act entitled "An Act in relation to the Collection of Taxes for New Castle County," passed at Dover, May 29, 1897, as published at page 2 of the Appendix to Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof the following, to wit:

Abatement of
taxes

That on all taxes paid before the first day of October there shall be an abatement of five per centum; on all taxes paid after the first day of October and before the first day of December there shall be an abatement of three per centum; on all taxes paid after the first day of December and before the first day of January there shall be no abatement; and on all taxes paid after the first day of January five per centum thereof shall be added thereto.

Approved February 14, A. D. 1907.

OF COUNTY TREASURER.

CHAPTER 61.

OF COUNTY TREASURER.

AN ACT Directing the County Treasurer of Sussex County to give Additional Bond for the Faithful Performance of his Official Duties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That at the regular May session of the Levy Court of Sussex County, in the year 1907, the County Treasurer of Sussex County shall give bond to the State of Delaware, with at least two sureties to be approved by the Levy Court, in the penalty of Ten Thousand Dollars, in addition to the bond already given by said County Treasurer, which additional bond shall have the form, and shall contain all the requirements and conditions already prescribed by law for bonds of County Treasurers, and at the regular February Session of the said Levy Court of Sussex County in the year 1908, and at every February Session of said Levy Court thereafter, the County Treasurer of Sussex County shall give bond to the State of Delaware with at least two sureties to be approved by the Levy Court, in the penalty of Forty Thousand Dollars instead of Thirty Thousand Dollars as is now required by law, which bond shall likewise have the form and shall contain all the requirements and conditions already prescribed by law for bonds of County Treasurers.

County Treasurer of Sussex Co. to give additional security

Conditions of bond

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 13, A. D. 1907.

TITLE THIRD.

Of the Public Arms and Defences.

CHAPTER 62.

OF PUBLIC ARMS AND DEFENCES.

AN ACT to Amend and add to Chapter 392, Volume 20, Laws of Delaware, entitled "An Act Providing for the Maintenance, Discipline, and Regulation of the National Guard of Delaware," and an Amendment thereto, Contained in Chapter 284, Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Chap. 392, Vol.
20, Chap. 284,
Vol. 22,
amended

Section 1. That the said Acts be and the same are hereby amended as follows:

First:—By striking out Section 1, and inserting in lieu thereof the following:

Title

"Section 1. That the active militia of this State shall hereafter be designated and known as the "Organized Militia of Delaware," and shall be subject at all times to the orders of their officers; provided, that the designation "Organized Militia" shall be substituted for that of National Guard wherever it appears in the militia laws of this State."

Second:—By striking out Section 2, and inserting in lieu thereof the following:

General Staff

"Section 2. In time of peace, the Organized Militia of Delaware shall consist of a General Staff, to be composed of an Adjutant General and Chief of Staff, who shall also be the

OF PUBLIC ARMS AND DEFENCES.

Adjutant General of the State, with the rank of Brigadier General; an Assistant Adjutant General; an Inspector General; a Chief Quartermaster and Commissary; a Chief of Ordnance and Inspector of Rifle Practice; a Judge Advocate General; and a Chief Surgeon, each with the rank of Major, provided, that any officer above the rank of Major now in commission who may be appointed to fill an original vacancy shall retain his present grade; one Post Quartermaster Sergeant; one Post Commissary Sergeant; one Ordnance Sergeant; and such other Non-commissioned officers as may be necessary. One regiment of infantry to consist of two battalions of four companies each, with one band or drum corps, one hospital detachment, and such other detachments as may be necessary for the completion of the organization, to be officered, uniformed, armed and equipped as hereinafter provided, and to be stationed as the Commander-in-Chief may designate; provided further, that the force shall not exceed six hundred and seventy-five officers and men; that the Commander-in-Chief may officer, man, and equip the detachments herein mentioned as necessity requires, and that the Commander-in-Chief may make such changes as are necessary in the organization to conform to the organization of the United States Army, in accordance with the Act of Congress approved January 21st., 1903; and provided further, that the Governor, as Commander-in-Chief, shall have power in case of war, invasion, insurrection, riot or imminent danger thereof, to increase said force and organize the same as the exigencies of the case may require, which increase shall be disbanded as soon as the emergency ceases to exist."

Number of
companies,
guns, &c. in
times of peace

Maximum
force

Increased
when

Third:—By striking out Section 3, and inserting in lieu thereof the following:

"Section 3. Each Infantry Company shall consist of one Captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two musicians, one artificer, two cooks, and not more than forty-eight privates, minimum thirty enlisted men. Each infantry band shall consist of one chief musician, one principal musician, one drum major, who shall have the rank of first sergeant; four sergeants, eight corporals, one cook,

Officers and
privates of
company

Officers of
infantry

OF PUBLIC ARMS AND DEFENCES.

Hospital detachment

and twelve privates. Each hospital detachment shall consist of two sergeants, first class, one corporal, and seven privates."

Fourth:—By striking out Section 5, and inserting in lieu thereof the following:

Officers, &c. of Regiment

"Section 5. The regiment provided for in Section 2 of this Act shall consist of one Colonel; one Lieutenant Colonel; two Majors; one Surgeon, with the rank of Major; one Assistant Surgeon, with the rank of Captain; one Chaplain, with the rank of Captain; eleven captains, three of whom shall be detailed as Regimental Adjutant, Regimental Quartermaster, and Regimental Commissary; ten First Lieutenants, two of whom shall be detailed as Battalion Adjutants; ten Second Lieutenants, two of whom shall be detailed as Battalion Quartermasters and Commissaries; provided, that the office of Captain and Regimental Inspector of Rifle Practice, and Captain and Judge Advocate shall cease to exist when vacated by the present incumbents; one Regimental Sergeant Major; one Regimental Quartermaster Sergeant; one Regimental Commissary Sergeant; and two Color Sergeants; two Battalion Sergeants Major; provided further, if the regiment from any cause is reduced to six companies, those remaining may be formed into one battalion, and officered and manned as the Commander-in-Chief may direct. In case of a reduction to six companies and the formation of a battalion, the surplus officers and men will be mustered out of the military service of the State."

Fifth:—By striking out Section 10, and inserting in lieu thereof the following:

Oath of private

"Section 10. All persons enlisting in the Organized Militia of Delaware shall, immediately upon such enlistment, take and subscribe an oath in the following form, viz:

"State of Delaware,

.....County, ss.

I,....., of the county of.....and State of Delaware, do hereby acknowledge to have voluntarily enlisted (or re-enlisted) this.....day of.....as a soldier

OF PUBLIC ARMS AND DEFENCES.

in the Organized Militia of Delaware, for the period of three years, unless sooner discharged by proper authority, and do also agree to accept from the State of Delaware such bounty, pay, rations, and clothing as are or may be prescribed by law, and I,....., do solemnly swear to support the Constitution of the United States and the Constitution and laws of the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware, and the orders of the officers appointed over me according to the laws of the State of Delaware.

.....(Seal.)

Sworn and subscribed before me this.....day of.....,

This oath may be administered by any commissioned officer in the military service of the State, or by such other person authorized by law to administer oaths, as the Commander-in-Chief may direct, and shall be signed in triplicate, one copy to be retained by the company commander, and two copies shall be forwarded to regimental headquarters, one of which shall be forwarded to the office of the Adjutant General." By whom administered
Signed in triplicate
Disposition of copies

Sixth:—By striking out Section 11, and inserting in lieu thereof the following:

“Section 11. The Governor’s Staff, commissioned and non-commissioned, shall be appointed, commissioned, and warranted by the Commander-in-Chief without examination, and shall hold their commissions or warrants subject to the pleasure of the Commander-in-Chief; provided, that such commissions or warrants shall expire with the term of the Commander-in-Chief.” Governor’s staff to be commissioned by Governor
Term

Seventh:—By striking out Section 12, and inserting in lieu thereof the following:

“Section 12. The Regimental Staff Officers, consisting of the Adjutant, Quartermaster, and Commissary, will be appointed by the Regimental Commander, from the Captains provided for in Section Five. Regimental Staff Officers, how appointed

OF PUBLIC ARMS AND DEFENCES.

Battalion Staff
Officers, how
appointed

The Battalion Staff Officers, consisting of the Battalion Adjutant, and the Battalion Quartermaster and Commissary, will be appointed by the Regimental Commander, from the First and Second Lieutenants respectively, provided for in Section Five, upon the recommendation of the Battalion Commander. The Regimental Commander shall also report his action to the Adjutant General of the State."

Eighth:—By striking out Section 13, and inserting in lieu thereof the following:

Field officers
elected

"Section 13. Field Officers, Surgeons, and the Chaplain, shall be elected by ballot by the Commissioned Officers of the regiment or battalion, provided, that no Surgeon shall be appointed who does not hold a certificate of the State Medical Board of Examiners; such elections to be ordered by the Adjutant General, who shall give ten days written notice thereof, through the proper military channels, to the Commissioned Officers of such regiment or battalion. A majority of the votes cast at an election shall be necessary to a choice."

Elections or-
dered by Adju-
tant General

Ninth:—By striking out Section 14, and inserting in lieu thereof the following:

Commissioned
officers of com-
panies elected

"Section 14. The Captains, First Lieutenants, and Second Lieutenants provided for in Section Five of this Act, shall be elected by ballot, by the members of the Company in which a vacancy exists; said election to be order by the Commanding Officer of the regiment or battalion, who shall give ten days written notice thereof to the Commanding Officer of said Company, who shall publish the same to his command, and post it in the Armory of his Company at least five days prior to said election. A majority of the votes cast at an election shall be necessary to a choice. Said Captains, First Lieutenants and Second Lieutenants may be transferred from one Company to another by the Commander-in-Chief."

Tenth:—By striking out Section 17, and inserting in lieu thereof the following:

Terms of
commissioned
officers

"Section 17. The Commissioned Officers of the General Staff, and the Commissioned Officers of the Field, Staff, and Line, shall be commissioned as officers of the Organized

OF PUBLIC ARMS AND DEFENCES.

Militia of Delaware, and shall serve until retired, discharged, or removed by the proper authority; provided, that the Chief of Staff and all officers, excepting the Captain and Inspector of Rifle Practice and the Captain and Judge Advocate, holding a commission in the Field, Staff, or Line, at the time of the passage of this Act, shall be re-commissioned in their respective grades, without examination, and the officers holding commissions as Captain and Inspector of Rifle Practice and Captain and Judge Advocate at the time of the passage of this Act shall hold their commissions until their present terms of office expire as provided for in Section Five of this Act."

Eleventh:—By striking out Section 21, and inserting in lieu thereof the following:

"Section 21. The Commander-in-Chief of the Commanding officer of the troops shall have power, upon the recommendation of the company commanders, or when satisfactory reasons are given, to grant a discharge to any enlisted man whose term of enlistment may not have expired, and he shall also issue to all enlisted men having faithfully served their term of enlistment, an honorable discharge, under his hand, from the service of the State; no dishonorable discharge shall be given except upon sentence of a court-martial, upon approval of the Commander-in-Chief." Discharge of
privates

Twelfth:—By striking out Section 27, and inserting in lieu thereof the following:

"Section 27. The Commander-in-Chief may, from time to time, and at any time, appoint a board composed of not less than three nor more than five officers, whose duty it shall be to examine into the capacity, qualifications, propriety of conduct, efficiency, and ability to perform the duties required of any commissioned officer who may be reported to the Commander-in-Chief by the proper authority as being incompetent or unfit to discharge the duties of his office; and upon the report of such board, if adverse to such officer and approved by the Commander-in-Chief, such officer may be discharged in such manner as the Commander-in-Chief may direct. The Commander-in-Chief and the ranking officer of the troops may also call boards of officers for settling military Commission to
examine qual-
ifications of
commissioned
officers

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questions and for other purposes of administration and discipline."

Thirteenth:—By striking out Section 56, and inserting in lieu thereof the following:

Rules for Organized Militia

"Section 56. The Commander-in-Chief is hereby authorized upon the recommendation of the General Staff, or a Board of Officers appointed by him for the purpose, to make and publish rules and regulations for the government, discipline, and exercise of the Organized Militia, to carry out the provisions of this Chapter, which rules and regulations shall, as far as practicable, conform to the rules and regulations of the United States Army, and which rules and regulations, when promulgated, shall have all the force of the law."

Term

Force

Retired list

Section 2. Any Commissioned Officer of the Organized Militia who has reached the age of sixty-four years shall be placed upon the retired list by the Commander-in-Chief. Any Commissioned Officer of the Organized Militia, who has served faithfully as an officer of the National Guard or Organized Militia for a period of not less than ten years, may, at his own request, be retired from active service, or if a commissioned officer who has not served as such for the full length of time herein above provided, shall become permanently disabled to perform his duties, he may, upon his own application, and in the discretion of the Commander-in-Chief, be so retired. Any enlisted man having served faithfully for a period of fifteen years, or becoming disabled in the service, may be retired from active service in the discretion of the Commander-in-Chief.

Rights of retired officers and privates

Officers and enlisted men retired shall be borne on the roster of the Organized Militia as so retired, and shall be entitled to wear the uniform of the highest grade attained by them on all occasions of ceremony. Retired officers may, in the discretion of the Commander-in-Chief, with their consent, be temporarily placed on active duty.

Compensation of commissioned officers

Section 3. On and after the passage of this Act, commissioned officers of the Organized Militia shall receive annually the sum of Twenty-five Dollars each, to assist in uniforming and equipping themselves, provided, they have been

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actually present and have performed eighty per cent. of duty during the year, and have been in the service one year; and further, that on and after the passage of this Act each Company of the Organized Militia of this State quartered in the Armory at Wilmington shall receive the sum of One Hundred Dollars annually, and each Company outside of Wilmington the sum of Two Hundred Dollars annually, and Regimental Headquarters the sum of One Hundred and Fifty Dollars annually, for the payment of armory rents and current expenses, in addition to that already appropriated, to be paid in like manner as provided in Chapter 392, Volume 20, Laws of Delaware. For the purpose of carrying into effect the provisions of this Section, the sum of Two Thousand Five Hundred Dollars is hereby appropriated annually, and the State Treasurer is hereby authorized and directed to honor the warrants of the Adjutant General, when countersigned by the State Military Board, for that amount.

Rents and current expenses of companies

Appropriation of \$2500.00

Section 4. When it may be necessary to use any military force to provide for the protection of the lives or property of the people of this State, or in time of imminent danger of foreign or domestic violence, or breach of the public peace, or imminent danger to the lives or property of the people of this State, the Governor, as Commander-in-Chief, shall have power, according to the emergency, to call out any regiment, battalion, company, or any part thereof, for that purpose. Whenever any portion of the militia is employed in aid of the civil authority, the Governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving, or any specified part thereof, to be in a state of insurrection.

Governor may call out militia on extraordinary occasions

Section 5. The Commissioned Officers of the General Staff, will be appointed by the Commander-in-Chief, subject to examination as to fitness and ability to perform the duties required in their respective departments. The Non-commissioned officers of the General Staff will be appointed from the enlisted men of the Organized Militia, by the Commander-in-Chief upon the recommendation of the heads of the respective departments. The warrants of such non-commissioned officers will remain in force so long as the soldier

Commissioned Officers of General Staff appointed by Commander-in-Chief
Non-Commissioned Officers, how appointed

OF PUBLIC ARMS AND DEFENCES.

is continuously in the service; each re-enlistment being noted on the back of the warrant.

Commission
officers with-
out charge

Section 6. The commissions of the officers provided for in this Chapter will be issued without charge, and will be transmitted through the office of the Adjutant General for record.

Section 7. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 5, A. D. 1907.

OF PUBLIC ARMS AND DEFENCES.

CHAPTER 63.

OF PUBLIC ARMS AND DEFENCES.

AN ACT Authorizing the State Military Board to Dispose of the Armory Property in Wilmington Belonging to the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the State Military Board, or a majority thereof, be, and the same is hereby authorized and empowered to sell and dispose of, for the best price that can be procured, at such time and in such manner as shall be deemed most advantageous by the said Board, all that certain lot or piece of land situated at the corner of Twelfth and Orange streets in the City of Wilmington, on which is erected a brick Armory, said property being now vested in Wilbur H. Burnite as trustee for the State of Delaware, who is hereby authorized and directed, when requested so to do by the aforesaid State Military Board, or a majority thereof, to make over, convey and confirm by a good and sufficient Deed the aforesaid lot or parcel of land, with the appurtenances thereunto belonging, to the purchaser or purchasers thereof in fee simple; which sale, when so made, is hereby declared to be valid in law, to all intents and purposes.

Armory in
Wilmington
directed to be
sold

Trustee to convey, when

Section 2. The money arising from such sale shall be paid to the State Military Board, and shall be expended by said Board towards the purchase or lease of another lot of land, and the erection thereon of any Armory for the use of the National Guard of the State.

Funds, how to be expended

Section 3. That the said State Military Board, or a majority thereof, be, and the same is hereby authorized and empowered to purchase or lease another lot of land in the State, for the building of a new Armory, and the Deed for the same shall be made to the State of Delaware and its assigns.

State Military Board authorized to buy land

Title of property to be made to State

Approved March 13, A. D. 1907.

OF PUBLIC ARMS AND DEFENCES.

CHAPTER 64.

OF PUBLIC ARMS AND DEFENCES.

AN ACT Authorizing Counties, Municipalities and Corporations to Donate Money, Land and other Valuable Things for the Improvement of the Organized Militia of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring):

Any municipal
body author-
ized to donate
lands, &c., to
organized
militia

Section 1. That from and after the approval of this Act, any county, municipality or corporation in this State, may, and the same are hereby authorized and empowered to appropriate money out of the Treasury of such municipality, county, corporation or to donate any other valuable thing, or to grant or lease any land belonging to them, for the purpose of aiding in the improvement of the organized Militia of Delaware.

Donor may
direct use of
gift

Section 2. That the money so appropriated, or other valuable thing donated, or the land so granted or leased shall be appropriated, donated, granted or leased to the State Military Board, and expended or disposed of by said Military Board in such manner, and under such conditions, as the donor may direct.

Approved March 29, A. D. 1907.

TITLE FOURTH.

Of Elections.

CHAPTER 65.

GENERAL PROVISIONS.

AN ACT Providing for the Submission to the Vote of the Qualified Electors of the Several Districts of the State Mentioned in Section 2, Article XIII, of the Constitution of the State of Delaware, the Question Whether the Manufacture and Sale of Intoxicating Liquors Shall be Licensed or Prohibited Within the Limits of the said Several Districts, in Accordance with said Article XIII of said Constitution, and Fixing the Penalties for the Illegal Manufacture and Sale of Intoxicating Liquors in any of said Districts wherein there shall be a Majority of Votes Cast Against License.

Be it enacted by the Senate and House of Representative of the State of Delaware in General Assembly met :

Section 1. That on the Tuesday next after the first Monday of November in the Year of our Lord one thousand nine hundred and seven, in each of the several districts of the State mentioned in Section 2, of Article XIII of the Constitution of the State of Delaware, the question, Whether the Manufacture and Sale of Intoxicating Liquors shall be Licensed or Prohibited within the limits of said several Districts, shall be submitted to the vote of the qualified electors of said several districts. In every such district in which there shall be, upon said vote, a majority against license, no person, firm or corporation shall thereafter manufacture or sell spirituous, vinous, or malt liquors, except for medical or Local option election, when to be held

GENERAL PROVISIONS.

sacramental purposes within said district, until, at a subsequent submission of such question, a majority of votes shall be cast in said district for license.

Registration
officers, when
to sit,

Section 2. It shall be the duty of the Registration Officers of the respective election districts in this State now in office, to sit on the third and fourth Saturdays immediately preceding the day herein prescribed for taking the vote aforesaid, from 8 o'clock A. M. until 7 o'clock P. M., with an intermission from 12 o'clock mid-day to 1 o'clock P. M., at the place in each Election District where it is proposed to take the vote aforesaid, or at some convenient and suitable other place in said election district, and at such sittings to add to the Registers and Books of Registered Voters of their respective election districts the names of all persons applying to them who may have become qualified to vote since the day of the last General Election, or who may become qualified to vote by the day of such Special Election, or who, being otherwise qualified to vote did not become registered prior to said last general election.

Duties of

Registration
books

Clerks of Peace
duty of

The said Registration Officers, within one week before their first sitting as provided for in this section, shall procure from the Clerks of the Peace of their respective counties the two Registers and the two Books of Registered Voters, and the Books of Registration Certificates, for their respective election districts. It shall be the duty of the Clerks of the Peace in the several counties to deliver said books to the said Registration Officers when the same shall be applied for as aforesaid.

Delivery of
registration
books to In-
spector and
Clerk of Peace

On delivering one of the Registers and one of the Books of Registered Voters and the Book of Registration Certificates to the Inspector or other person authorized by law to hold the Special Election in his Election District, for the purpose of taking the vote aforesaid, it shall be the duty of each Registrar to deliver the Register and the Book of Registered Voters which was not used at the General Election held in the year 1906; the several Registrars shall deliver the other of said Registers and the other of said Book of Registered Voters to the Clerks of the Peace of their respective counties within one week after such special election.

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In case from any cause there shall be vacancies among such Registration Officers in any election district outside of the City of Wilmington, such vacancies shall be filled by the appointment of the Governor, and in case such vacancies among such Registration Officers shall exist in any election district within the City of Wilmington, such vacancies shall be filled by the Department of Elections for the City of Wilmington. Such vacancies shall be filled at least twenty days before the first day fixed as aforesaid for the sitting of said Registration Officers by the appointment of capable persons who are voters and resident in the election district for which they shall be appointed; and the furnishing of lists of names by the County Executive Committees of any political party shall not be a necessary prerequisite for such appointment. The Registration Officers so appointed to fill vacancies, as well as Registration Officers now in Office, shall give such bonds, take such oaths, and perform such other qualifying acts to fill such offices and fulfil the duties thereof as are provided by law in that behalf.

Vacancies of,
how filled

List of Co. Ex-
ecutive Com-
mittees not
necessary

Bonds and
oaths of

The Registration Officers serving for the Special registration of voters herein provided shall conduct the registration of voters, advertise the dates, hours and places for their sitting to register voters, post printed lists of additional registered voters, issue and act upon Certificates of Removal from voting districts, compare and correct the Registration Books, certify and verify the Alphabetical Lists of Registered Voters and Registers, be possessed of all the powers while sitting for such registration of voters, and perform all of their official duties in the same manner, as in the case of the registration of voters prior to a General Election.

Duties of

Powers of

All penalties imposed by statute upon such Registration Officers for non-feasance or misfeasance in office, and upon all persons for violations of law regulating the registration of voters in this State shall be applicable to and in force in connection with the special registration of voters herein provided for.

Penalties for
non-feasance
and misfeas-
ance in office

Appeals from said Registration Officers shall be obtained, prosecuted and determined, and the decisions thereon certified, acted upon and enforced, in the same manner and before

Appeals from

OF GENERAL PROVISIONS.

Judge to sit when and by the same persons as in the case of Registration Appeals prior to a General Election. For the purpose of hearing such appeals the appropriate Judge constituting under the law such tribunal of appeal shall sit in the place designated by statute for such purpose, on Wednesday the twenty-third day of October, 1907, at 10 o'clock in the forenoon, and from day to day thereafter so long as may be necessary, to hear and determine such appeals.

Registration fee not required

No registration fees shall be exacted from or paid by any voter registered at the special registration herein provided for.

Compensation of

The compensation of such Registration Officers and all the costs and expenses of conducting such special registration shall be ascertained and paid in the same manner, by the same authority, within a reasonable time after the performance of their duties as aforesaid, as in the case of the registration of voters prior to a General Election.

Delivery of registration books

The said Registration Officers shall hold and dispose of said Registers, Books of Registered Voters and said Books of Registration Certificates in the same manner, and deliver the same to the same election and other officers, before, at and after the holding of said Special Election for the taking of the vote aforesaid, and for the purpose of the taking of the vote aforesaid, as in the case of the holding of a General Election.

Elector's rights

Section 3. All qualified electors shall be entitled to vote upon the questions so to be submitted to them as aforesaid, under the same conditions as such electors would be entitled to cast their ballots at a General Election. The Special Election for the taking of the vote provided for in this Act shall be held in the several voting districts of the State, upon similar notice, at the same places, by the same election officers, including clerks and voters' assistants, and subject in all respects to the same laws, so far as the same are applicable, as were employed, used and enforced at the General Election in the year 1906.

Special election, by whom held

Election officers vacancies how filled

In case from any cause there shall be vacancies among such election officers in any election district outside of the

OF GENERAL PROVISIONS.

City of Wilmington, such vacancies shall be filled by the Governor, and in case such vacancies among such election officers shall exist in any election district within the City of Wilmington, such vacancies shall be filled by the Department of Elections for the City of Wilmington, by the appointment of the Governor or said Department of Elections respectively, of suitable and duly qualified persons to serve as such election officers in the vacancies so then existing as aforesaid. Such vacancies shall be so filled at least twenty days before the said date fixed for the holding of said election as aforesaid. The election officers so appointed to fill vacancies, as well as election officers continued in office as aforesaid, shall take such oaths and perform such other qualifying acts to fill such offices and fulfil the duties thereof, as are provided by law in that behalf.

When to be appointed

Oaths, &c. of

Section 4. The Sheriff of each County shall, after the twenty-third and before the twenty-seventh day of October, in the Year 1907, deliver to the Inspector of each election district, or other officer authorized hereby to hold the election for taking the vote hereby provided for therein, two suitable ballot boxes, with a piece of tape and sealing wax, appropriate written or printed forms of tally lists, of certificates of the result of election in said election district, of the oaths or affirmations of the Inspector or other person authorized by law to hold the election therein, and the persons to be taken as judges of the election, and also of the clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations, with printed or written directions as to correcting, completing and signing such oath or affirmation and certificate of administering the same, and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid a book of blank forms of oaths or affirmations provided for in Section 19 of Chapter 38, Volume 21, Laws of Delaware. The ballot box, forms of oaths or affirmations to be administered to the Inspector or other officer authorized by law to hold the election, and to Judges of election, the forms for the certificates of the qualification of such officers, the forms of oaths for the clerks of said election, and the certification of the administration of said oaths so furnished, shall be such as are prescribed

Sheriff, duty of

To furnish printed forms

Certain oaths

Ballot boxes

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in Chapter 38, Volume 21, Laws of Delaware, upon the holding of a General Election.

Talley sheets

The Tally lists so furnished shall be in such form as is used at such General Elections, except that in the margin, on the left side of said tally lists, shall be written or printed, instead of any names of persons to be voted for, the words "for license", and the words "against license", with convenient spaces between the same. Three forms of certificates, declaring the result of said election, shall be so furnished, which may be according to the following form, viz:

Certificate of result

Form

".....County and.....Election District of.....Representative District, SS.

At the election held in said Election District, for the purpose of taking the vote of the qualified electors upon the question, whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the local option district consisting of on the Tuesday next after the first Monday in November, A. D. 1907, the votes stand as follows:—

.....votes were received "for license"
.....votes were received "against license"

And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony Whereof, we the Judges of said election for said Election District, have hereunto set our hands the day and year aforesaid."

On the said written or printed forms of certificates, before the same shall be delivered by the Sheriff as above directed, the name of the County and Election District, and all Representative Districts, shall be inserted in the blanks for said purpose in the foregoing form.

Duty of Clerk of Peace, relating to printed blanks

Section 5. The Clerks of the Peace of the several counties shall cause to be prepared and printed all blanks and forms which shall be necessary for the proper conducting and the due ascertainment and certification of the results of the vote hereinbefore provided for. The said Clerks of the Peace

OF GENERAL PROVISIONS.

shall cause to be printed for the several election districts, within their respective counties, all necessary ballots for said Special Election, which shall be in number not less than four times the total vote of all parties at the preceding General Election. Said Clerks of the Peace shall fold, wrap, tie, mark and seal, and deliver said ballots, and furnish and deliver indelible black lead pencils or crayons, in the same manner as at a General Election. Said ballots and said pencils or crayons shall be received from said Clerks of the Peace by the same officials, at similar times and places, and by them held, treated, disposed of, delivered and employed for the purposes of said Special Election, in the same manner as the ballots and pencils or crayons employed at a General Election. The said ballots shall be initialed by the Clerks, delivered to qualified voters, deposited in the ballot boxes, and counted in the same way as at a General Election.

Ballots

Crayons

Ballots and crayons to be furnished, used and disposed of as at general election

Ballots to be initialed by Clerks, &c.

The Election Officers conducting the said Special Election shall take the same oaths and be otherwise duly qualified as at a General Election. The Clerks of the Peace and Sheriffs of the several counties, the Inspectors or other persons conducting said election, the Judges and Clerks of said election, shall be subject to the same penalties for nonfeasance or misfeasance in office, and all other persons shall be subject to such penalties for misbehaviour relative to the Special Election herein provided for as are provided by the laws relative to General Elections in this State.

Election officers, oaths of

All officers subject to same penalties as at general election

All the provisions and requirements of law looking to the secrecy of the ballot, together with all penalties imposed for violations of the provisions of law looking to that end, shall apply with full force to the Special Election herein provided for. The ballot boxes used at said Special Election shall be delivered, held and treated before, during and after the holding of said Special Election, in the same manner as at a General Election.

All provisions relating to secrecy of ballot to apply to special election

Ballot boxes, disposition of

Section 6. On the day fixed for the holding of the Special Election for the taking of the vote aforesaid, the polls shall be opened in the several voting districts between 8 and 9 o'clock in the forenoon, and remain continuously open until 7 o'clock in the afternoon. Said polls shall be opened and closed, and

Polls opened when

OF GENERAL PROVISIONS.

Certificates of result
Disposition of

the ballots given during said election shall be counted and tallied in the same manner, as at a General Election. Three certificates of the results of the taking of said vote in each voting district, upon the blanks furnished said election officer as aforesaid, shall be made out, signed, certified, placed in envelopes, held and disposed of in the same manner as are corresponding certificates at General Elections; Provided that the two certificates which are not deposited in the ballot box shall be placed in the custody of the Judges of election, not being the Inspector in each election district, one to each, and each of said judges shall produce and deliver said certificates to said Superior Court sitting as a Board of Canvass as aforesaid, at the County Court House at twelve o'clock noon on the first Thursday following the said Special Election.

Superior Court to sit as Board of Canvass

Section 7. The Superior Court in each County constituted as in case of a General Election, shall convene at 12 o'clock noon in the County Court House of the several counties, on the first Thursday following the said Special Election, and publicly ascertain the state of the vote cast at such Special Election, in the same manner and with the same powers as said Court, under the law, canvasses the result of General Elections. For the purpose of such canvass of said vote the ballot boxes containing the ballots cast at said election, together with all other their contents, as in the case of the General Election, shall be produced before said Court sitting as said Board of Canvass, and afterwards disposed of as in the case of a General Election. Upon the ascertainment of the result of said election by said Court sitting as such Board of Canvass, the said Court shall make two certificates showing the result of the taking of said vote in each of the Local Option districts within this State, which certificates shall be in the following form:

Certificates of Board of Canvass of result

Form

“State of Delaware
..... County ss.

Be it remembered that at the election held on the Tuesday next after the first Monday in November in the Year of our Lord one thousand nine hundred and seven, for the purpose of taking the vote of the qualified electors of..... in the State of Delaware, comprising a Local Option District

OF GENERAL PROVISIONS.

in said State, upon the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of said district, according to the Constitution and Laws of the State of Delaware. votes were given for license and votes were given against license, which is manifest by calculating and ascertaining the aggregate amount of all the votes given in all the election districts of the Local Option District aforesaid, according to the provisions of the Constitution and Laws made in this behalf.

In Testimony Whereof, we and constituting the Superior Court for County, who have met and ascertained the state of the vote throughout the said Local Option District as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this day of November A. D. 1907."

The said Superior Court shall, within three days after making the certificates of the results of taking said vote at said election, either personally or by a person deputed by it for that purpose, transmit, deliver and lodge one of said certificates in the office of the Clerk of the Peace for the County in which said Local Option District is located, and one in the office of the Secretary of State.

Delivery of
To whom delivered

Upon the deposit in the office of the Secretary of State of all of the said certificates of the results of the taking of said vote in said several Local Option Districts, the Governor shall, without delay, examine said certificates, and therefrom ascertain the result of said vote in the several Local Option districts aforesaid, and forthwith proclaim the results of said election in each of the said several Local Option districts by publishing the result of said vote in one or more public newspapers in each county of the State.

Governor to examine certificates, ascertain the vote
Proclamation of Governor

Section 8. The Superior Court constituting the Board of Canvass in New Castle County shall canvass the result of the vote within the corporate limits of the City of Wilmington and the vote cast in the remaining part of New Castle County separately. The results of the vote taken in each

Superior Court of New Castle Co. as Board of Canvass to ascertain results in Wilmington and rural New Castle separately.

OF GENERAL PROVISIONS.

Each Local Option District determined by vote in such district

Local Option District in the State as defined in Section 2, Article XIII, of the Constitution of the State of Delaware, shall be determined by the ballots cast in each several Local Option district, and no ballot cast in any one of said Local Option districts shall be counted or considered in determining the result of the taking of said vote in any other of said Local Option districts.

Levy Court to pay expenses of election

Section 9. All of the cost and expenses of the said Special Election shall be paid by the Levy Courts of the respective counties wherein are located the several Local Option Districts in which said votes are taken.

Ballots, form and size

Section 10. The ballots to be used in the taking of said vote shall be printed upon white paper of uniform appearance and quality and of the uniform size of three by six inches. Each of said ballots shall have a printed line in the middle thereof extending from the top to the bottom, with the words "against license" printed clearly and legibly on the right-hand side of said line, and the words "for license" on the left-hand side of said line; in voting, each qualified elector shall mark his ballot with a pencil or crayon provided for the said Election, by crossing two lines either on the side of the printed line aforesaid on which the words "against license" appear, or on the side of said line on which the words "for license" are printed. Every ballot cast under the provisions of this Act, marked as aforesaid anywhere on the right-hand side of the printed line aforesaid, shall be counted as a vote against license, and every ballot marked as aforesaid on the left-hand side of the printed line aforesaid shall be counted as a vote for license.

How to mark ballots

Unlawful to manufacture or sell liquor in any "dry" district

Section 11. That if it shall appear at said election that a greater number of votes have been cast against license than for license in any of said Local Option districts of this State, it shall be unlawful for any person or persons, firm, company, association or corporation, or the agent, officer or servant of any firm, company, association or corporation, to manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said districts, until at a subsequent submission of such question a majority of votes shall be cast in said district for license. Any person or

OF GENERAL PROVISIONS.

persons, or any agent, officer or servant of any firm, company, association or corporation who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined not less than Fifty Dollars (\$50.) nor more than Two hundred Dollars (\$200.) and the cost of prosecution, and shall be imprisoned for a term not exceeding six months; and for each and every subsequent offense shall be fined not less than One Hundred Dollars (\$100.) nor more than Five Hundred Dollars (\$500.) and the cost of prosecution, and shall be imprisoned for a term not less than three months nor more than one year.

Section 12. That all prosecutions for any and all violations of any of the provisions of this Act shall be upon presentment and indictment to the Court of General Sessions of the County within which the Local Option District wherein the said majority of said vote was against license is located; and any Justice of the Peace of any of said counties shall have the same authority to receive information of any violation hereof and to hold to bail for appearance to said Court, as is now exercised by them under the laws of this State in other matters of criminal nature.

Approved March 21, A. D. 1907.

OF THE GENERAL ELECTION.

CHAPTER 66.

OF GENERAL PROVISIONS.

AN ACT Striking Out of the Statutes of the State of Delaware all Provisions in Relation to the Payment of a Registration Fee as a Qualification to Vote.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Registration
fee abolished

Section 1. That all provisions in the Statutes of the State of Delaware in relation to the payment of a registration fee as a qualification to vote be and the same are hereby stricken out, repealed and made null and void.

Section 2. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 4, A. D. 1907.

CHAPTER 67.

OF THE GENERAL ELECTION.

AN ACT to Change the Voting Place in the First Election District of the Sixth Representative District, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Change of
voting place in
First Election
District of
Sixth Repre-
sentative Dis-
trict, New
Castle County

Section 1. That from and after this Act shall become a law, the place for holding all General Elections in and for the First Election District, of the Sixth Representative District, in New Castle County, shall be in the building known as "Claymont Hall" in said Election District, and the holding

OF THE GENERAL ELECTION.

of General Elections in and for said Election Districts, at the Tavern House called the "Practical Farmer" in said Election District, is hereby discontinued and abolished, and the place for holding General Elections in said Election District, herein established, shall be the legal place for holding all General Elections in said Election District.

Section 2. That all Acts or parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

Section 3. That this Act shall be deemed and taken to be a public Act.

Approved February 11, A. D. 1907.

CHAPTER 68.

OF THE GENERAL ELECTION.

AN ACT Concerning the Second Election District of the Sixth Representative District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That all that portion of the Sixth Representative District in New Castle County, lying West of the Wilmington and Great Valley Turnpike Company, and South of the Baltimore and Ohio Railroad, shall be and the same is hereby made, a part of the Second Election District of the Sixth Representative District in New Castle County, with the voting place at Sharpley's School House.

Second Election District of Sixth Representative District New Castle County boundary of changed

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 29, A. D. 1907.

OF THE GENERAL ELECTION.

CHAPTER 69.

OF THE GENERAL ELECTION.

AN ACT in Relation to the Election Districts of Representative District Number Eleven in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Representative District, No. 11, New Castle County divided into two Election Districts

Section 1. That for the purpose of holding all General and Special Elections for State, County, District and Hundred Officers, in Representative District Number Eleven, in New Castle County, said Representative District shall be and is hereby divided into two Election Districts by the following line, to wit;

Beginning at the intersection of the State Road, with the boundary line between the States of Delaware and Maryland; thence by said State Road in a north-east course through the Village of Glasgow to the intersection of the aforesaid State Road, with the boundary line between Pencader Hundred and New Castle Hundred.

1st Election District

All that portion of said Representative District Number Eleven, in New Castle County, lying north of the aforesaid State Road, shall be designated and called the First Election District of Representative District Number Eleven, in New Castle County, and the polling place for said Election District shall be the store house or building owned by Zachary T. Harris, in the Village of Glasgow.

2nd Election District

All that portion of the aforesaid Representative District Number Eleven, in New Castle County, lying south of the aforesaid State Road, shall be designated and called the Second Election District of Representative District Number Eleven in New Castle County, and the polling place for said last mentioned Election District shall be the house occupied by George S. Butterworth, in the Village of Glasgow.

Section 2. All laws or parts of laws inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved March 29, A. D. 1907.

OF THE GENERAL ELECTION.

CHAPTER 70.

OF THE GENERAL ELECTION.

AN ACT to Establish the Voting Place of the First Election District of the Ninth Representative District of Kent County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act, the voting place for all primary and general elections to be held in the First Election District of the Ninth Representative District of Kent County shall be at the Town Hall of Harrington, situate in the town of Harrington, Kent County, Delaware.

Voting place of
1st Election
District of 9th
Representative
District in Kent
Co. changed

Section 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 4, A. D. 1907.

OF THE GENERAL ELECTION.

CHAPTER 71.

OF THE GENERAL ELECTION.

AN ACT to Divide the Second Election District of the Third Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

2nd Election District of 3rd Representative District in Sussex County divided into 2 election districts

Section 1. That for the purpose of holding elections for Hundred, District, County and State Officers in what is now the Second Election District of the Third Representative District of Sussex County, which includes Seaford Hundred, the said election District is hereby divided into two election Districts, as follows:—

2nd Election District

By a line beginning at a point at the foot of Spring Alley in the town of Seaford on the North bank of the Nanticoke River, thence with said Spring Alley to High Street, thence Westward with said High Street to Arch street, thence Northward with said Arch street to the County road forming the Northern boundary of the town of Seaford, thence Westward with said County road to point of intersection with Pine street, thence with the road leading by Ross Station to Wesley Church, thence with the County road leading from said Wesley Church over the branch and by the farms of John J. Kinder, Charles Friedel, Amos K. Corbin and others to the point of intersection of said road with the County road leading from Bridgeville to Federalsburg, and forming the Northern boundary of said Second Election District of said Third Representative District.

3rd Election District

All that part of the said Second Election District of the Third Representative District of Sussex County lying on the east side of said dividing line shall remain and be the Second Election District of the Third Representative District of Sussex County, and all lying on the west side of said dividing line shall be the Third Election District of the Third Representative District of Sussex County.

Approved March 4, A. D. 1907.

OF THE GENERAL ELECTION.

CHAPTER 72.

OF THE GENERAL ELECTION.

AN ACT Designating the Voting Places in the Second and Third Election Districts of the Third Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That after this Act becomes a law every General and Special Election held in the new Second Election District of the Third Representative District of Sussex County shall be held at some suitable place within that part of the town of Seaford included within the said New Second Election District, and every General and Special Election held in the Third Election District of the Third Representative District of Sussex County shall be held at some suitable place within that part of the said town of Seaford included within the said Third Election District. "The place of holding the election in each of the aforesaid Districts to be selected by the Inspector or other officer appointed by law to hold the election."

Inspectors to determine place of election in 2nd and 3rd Election Districts of 3rd Representative District Sussex Co.

Approved March 4, A. D. 1907.

OF THE GENERAL ELECTION.

CHAPTER 73.

OF THE GENERAL ELECTION.

AN ACT Providing for Inspectors to Hold Elections in the Second and Third Election Districts of the Third Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Inspector of
2nd Election
District of 3rd
Representative
District

Governor to
appoint In-
spector for 3rd
Election Dis-
trict of 3rd Rep-
resentative
District

Section 1. That Norman Rawlins shall be Inspector of Election in the Second Election District of the Third Representative District of Sussex County at the General Election to be held in the year A. D. 1908, and the Governor shall appoint a suitable elector of the Third Election District of the Third Representative District of Sussex County to be Inspector of said General Election to be held in the year A. D. 1908 in said Third Election District.

Approved March 4, A. D. 1907.

OF ELECTIONS IN THE CITY OF WILMINGTON.

CHAPTER 74.

OF ELECTIONS IN THE CITY OF WILMINGTON.

AN ACT Making the Terms of Office of all Members of The Department of Elections for the City of Wilmington, hereafter Appointed to said Office for Full Terms under Chapter 70 Volume 22 Laws of Delaware, Six Years.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That, from and after the approval of this Act, the terms of office of all members of The Department of Elections for the City of Wilmington, hereafter appointed to said office for full terms, under Chapter 70, Volume 22 Laws of Delaware, shall be six years, and said appointments shall be so made: provided, however, that all appointments, hereafter made to said office under said Chapter 70 Volume 22 Laws of Delaware, to fill vacancies therein, shall be made for the residue of the then unexpired term.

Terms of office of Department of Elections of City of Wilmington made six years

Section 2. That all provisions of Law inconsistent herewith, be and the same are hereby repealed.

Approved March 9, A. D. 1907.

OF ELECTIONS IN THE CITY OF WILMINGTON.

CHAPTER 75.

OF ELECTIONS IN THE CITY OF WILMINGTON.

AN ACT to Authorize the Submission to the People of Wilmington of Question of Public Policy in Connection with the Affairs of the said City.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each house concurring therein):

Initiative and
Referendum
for Wilming-
ton

Percentum of
votes required

Section 1. On application addressed to the Mayor and Council of Wilmington, signed by citizens of the City of Wilmington, qualified to vote at the last preceding Election for the Mayor of the said City, aggregating in number not less than ten per centum of the whole number of votes cast at such election for such Mayor, asking for the submission to the people of the said City of any question relating to the affairs of the said City, for an expression of opinion thereon, such question shall be placed before the people at the next City Election. Every person signing any such application shall put or have put after his signature the designation of the election district in the said City in which he was qualified to vote at the last preceding electon for Mayor of said City.

Application
filed when and
where

Section 2. Such application shall be filed with the Mayor at least sixty days before the election at which such question is to be submitted, and the persons signing such applications shall be considered prima facie as citizens qualified to vote at the last preceding election for the Mayor of the said City.

Mayor, duty of

Section 3. It shall be the duty of the said Mayor, not less than twenty days before the City election at which the said questions are to be submitted, to transmit the same to the persons who may then have the duty of preparing ballots for the said election; and it shall be the duty of such persons to prepare separate ballots to be used at the said election, containing the question so to be submitted as aforesaid, with the words "yes" and "no" printed at the foot of such ballot; that

Ballots, form of

OF ELECTIONS IN THE CITY OF WILMINGTON.

is to say, following the question to be voted upon as it appears upon the ballot, the words "Yes" and "No" shall appear in the following form:

Yes..... | No.....

Any person qualified to vote at such City election may cast a vote in favor of such question by placing a cross opposite the word "yes" and any such person desiring to vote against the same may do so by placing a cross opposite the word "no". How marked

Section 4. The said ballots shall be prepared, counted, canvassed and returned in the same way as provided by law in relation to ballots cast at the said City election. How canvassed and returned

Section 5. It shall be the duty of the persons so required by law to furnish ballot boxes to be used at the City election, to furnish a separate ballot box for each election district in said City, in which separate ballot box the ballots herein provided for shall be cast, and the said ballots shall not be commingled with the other ballots used at such City election. Separate ballot boxes

Section 6. It shall be the duty of the election officers in each election district in the said City to count the said ballots after the same have been cast, and to make return thereof in all respects as provided by law in relation to ballots cast at the said City election, provided, however, that the number of ballots cast for or against the said question shall be entered upon separate sheets to be furnished for that purpose. Certificates showing the result of the said vote, shall be made in the manner as now provided by law in relation to certificates of the vote cast at the City election, which certificates shall be certified, returned and delivered in all respects as now provided by law in relation to the City election. Election officers, duty of
Certificates of results

Section 7. The expense of printing said ballots, procuring the ballot boxes, and all expenses connected with the taking of the said vote shall be borne as is provided in relation to other expenses incurred at the said City election. Expenses to be paid by city

Section 8. Should any questions submitted to the qualified electors of the City of Wilmington, as provided in this Act, receive a majority of the votes cast thereon at the said election, and the subject be within the corporate powers of Approval of any measure submitted by electors, duty of City Council, &c.

OF ELECTIONS IN THE CITY OF WILMINGTON.

the said Mayor and Council of Wilmington, or of any department or branch thereof, then it shall be the duty of the City Council, or of any commission or any other official or officials of the City of Wilmington having jurisdiction therein, to adopt, without unnecessary delay, such ordinances, rules or regulations as may be necessary for putting into effect the popular will thus expressed. The failure of any member of such City Council or Commission, or of any official of said City to perform any duty herein imposed upon him, or the obstruction, hinderance, or delay by him of the adoption of any ordinance, rule or regulation as herein provided for, shall be deemed a misdemeanor and be punishable by a fine at the discretion of the trial court.

Penalty for
failure to do
duty imposed

Conviction to
operate as
ouster from
office

Conviction of such an offense shall operate to remove the person so convicted from any municipal office he then holds, and render him ineligible to hold any position as an official or employee of the City of Wilmington for a period of five years from the date of such conviction.

Approved March 9, A. D. 1907.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 76.

GENERAL PROVISIONS.

AN ACT Authorizing the Appointment of a Joint Committee of Two on the Part of the Senate and Three on the Part of the House to Settle with the State Treasurer, Auditor of Accounts, Secretary-of-State, Insurance Commissioner, State Librarian, and Clerks of the Senate and House of Representatives, at a Meeting to be Held on the Third Tuesday of January, 1908, Authorizing the Employment of Expert Assistance, and the Payment of the Expenses of said Session of said Committee.

Be it enacted by the Senate and House of Representative of the State of Delaware in General Assembly met :

Section 1. That a Joint Committee of five be appointed on the part of the General Assembly to consist of the following: Two members of the Senate and three members of the House of Representatives, who shall be appointed respectively by the President of the Senate and the Speaker of the House of Representatives. Said Committee shall meet at Dover on the third Tuesday of January, 1908.

Joint Committee to settle with State Officers

When to meet

Section 2. That it shall be the duty of the said Committee to settle all accounts of the State Treasurer, to settle with the Librarian, to receive the reports of the Auditor of Accounts for the current year, to receive the report and settle all accounts of the Insurance Commissioner, audit the accounts of the Clerk of the Senate and Clerk of the House of Representatives for the printing of the Journals of the

Duty of said Committee

GENERAL PROVISIONS.

Houses of the Legislature of the present session and making indices thereto, and to audit the account of the Secretary of State for State taxes and other moneys received by him for the State.

Statement of
settlement
published

Section 3. That it shall be the duty of the said Committee to cause a statement of their settlement with the said officers under their hands, or a majority of them, to be published in two newspapers printed in the State for the space of one month from the time of effecting the same.

May employ
experts

Section 4. That said Committee be and is hereby authorized to employ expert assistance in making said settlements.

Compensation
of Committee

How paid

Incidental
expenses, how
paid

Section 5. That the said Committee shall receive the same compensation as members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the Chairman of the said Committee out of any money in the hands of said State Treasurer not otherwise appropriated, and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee and for the appropriations or allowances made by said Committee to be paid in like manner; Provided, however, that the amount to be expended by said Committee shall not exceed the sum of one thousand dollars.

Appropriation
of \$1,000
therefor

Section 6. That the sum of one thousand dollars is hereby expressly appropriated to said Committee to be used by it in defraying the expenses of the session of said Committee, and the State Treasurer is hereby directed to pay said sum of money, upon the warrant of the Chairman of said Committee, out of any money in the treasury not heretofore appropriated to any other purpose.

Approved March 9, A. D. 1907.

GENERAL PROVISIONS.

CHAPTER 77.

GENERAL PROVISIONS.

AN ACT to Enlarge the Powers of the Deputies of the Registers of Wills for the Several Counties of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That in all cases where in the administration of the affairs of the office of Register of Wills in the several counties of this State, it is necessary or proper to administer an oath or affirmation, such oath or affirmation may be administered by the deputy of the Register of Wills, and such deputy may make probate of Wills and Testaments and grant letters testamentary and of administration where no contest or objection is being made to said probate or the granting of the said letters. The appointment of such deputy shall be recorded in the office of the Recorder of Deeds of the County for which said deputy shall be appointed.

Powers of
deputy

Appointment
of deputy,
where recorded

Section 2. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved March 9, A. D. 1907.

OF SALARIES.

CHAPTER 78.

OF SALARIES.

AN ACT to Prohibit on and after January 1, 1908, any Increase in the Salary or Emoluments Attached to any State or County Office During the Incumbency of the Officer.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Increase of
salaries
prohibited

Section 1. That on and after January 1, 1908, any increase in the salary, personal emoluments or compensation for personal services, attached to any State or County Office is hereby prohibited during the incumbency of the officer, unless the duties or work of said officer be increased by legislative enactment.

Exception

Approved March 1, A. D. 1907.

CHAPTER 79.

OF SALARIES.

AN ACT Fixing the Compensation of the Crier of the Courts of the State of Delaware Sitting in New Castle County and Requiring and Enforcing Payment to the County Treasurer of all Fees Collected for the Use of Such Officer.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Crier of Court
in New Castle
County,
salary of

Section 1. That on and after the first day of April A. D. 1907, the Crier of the Courts of the State of Delaware holding such office in New Castle County shall receive a salary of One Thousand Dollars per year payable monthly in the same

How payable

OF SALARIES.

manner as the salaries of other County officers are paid, and on and after said date, all fees, costs, allowances and other perquisites collected by any officer of the County or State for the use of such Crier shall be paid by the officer collecting the same to the County Treasurer of New Castle County for the use of such County; but this Section shall not apply to any fees, costs, allowances or other perquisites due to such Crier for any official service rendered prior to said first day of April A. D. 1907.

Fees, &c. due
Crier paid to
County
Treasurer

Section 2. From and after said first day of April A. D. 1907, all fees, costs, allowances and other perquisites theretofore or thereafter taxable as Crier's fees, shall be charged and collected as theretofore by the County officers, and by such officers paid to the County Treasurer for the use of the County.

Fees, &c. here-
before charged
and collected
and paid over
to County
Treasurer

Section 3. This Act shall be deemed and taken to be a public Act.

Approved March 5, A. D. 1907.

OF SALARIES.

CHAPTER 80.

OF SALARIES.

AN ACT Relating to the Office of the Comptroller for New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Comptroller of
New Castle
County,
salary of

Section 1. That the Salary of the Comptroller of New Castle County, shall be Twenty-five Hundred Dollars per annum, payable monthly, in installments of Two Hundred and eight Dollars and thirty-three cents, by warrants duly drawn upon the County Treasurer of New Castle County.

Deputy,
salary of

Section 2. That the Comptroller may select and employ one deputy, at a Salary of Nine Hundred Dollars per annum, to be paid in monthly installments, of Seventy-Five Dollars, by warrants duly drawn upon the County Treasurer of New Castle County.

Deputy may be
discharged by
Comptroller

Section 3. That the Deputy Comptroller shall be under the control of the Comptroller; who shall have the right to discharge him at any time.

Section 4. That all Acts or parts of Acts inconsistent with this Act, are hereby repealed.

Richard Hodgson,
Speaker of the House.

Issac T. Parker,
President of the Senate.

*

* This Act became operative by lapse of time.

OF SALARIES.

CHAPTER 81.

OF SALARIES.

AN ACT to Increase the Salary of the Adjutant General.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Adjutant General, in addition to the salary now authorized by law out of the money appropriated for military purposes, shall receive a salary of six hundred dollars out of any moneys in the State Treasury not otherwise appropriated, and he is hereby authorized to draw his warrant on the State Treasurer, who is hereby authorized and directed to pay the same, in equal quarterly installments.

Approved March 21, A. D. 1907.

OF SALARIES.

CHAPTER 82.

OF SALARIES.

AN ACT to Authorize the Appointment of a Night Watchman for the State House and Fixing the Compensation thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Night watch-
man for
State House

Section 1. The Governor is hereby authorized to appoint during any biennial or special session of the General Assembly a night watchman for the State property who shall hold his office for or during the said sessions, unless sooner removed by the Governor.

To be sworn

Before entering upon the duties of his office he shall be sworn, or affirmed, to perform the duties of his office with fidelity.

Duty of

Section 2. It shall be the duty of such night watchman to go on duty at 7 o'clock P. M. and remain on duty until 7 A. M.; to take care of the furniture and property belonging to the State; to permit no one to enter the State House between the hours of 10 P. M. and 7 A. M., except State Officers, their representatives and others accompanying such State Officers; to constantly move about the said building with view of the protection of said building against fire.

Compensation
of

Section 3. The compensation of said night watchman shall not exceed the sum of Two dollars per diem of actual services during said sessions of General Assembly.

Removal of

Section 4. That the Governor shall have power to remove said night watchman at any time for cause satisfactory to himself and appoint another person in his place.

Approved February 25, A. D. 1907.

OF SALARIES.

CHAPTER 83.

OF SALARIES.

AN ACT to Amend an Act entitled "An Act Requiring and Enforcing Payment to the County Treasurer of all Fees of Certain Offices Regulating Accounts of Fees and Audits thereof, and Fixing the Compensation of such County Officers and of their Deputies and Clerks," being Chapter 60, Volume 23, Laws of Delaware, by Increasing the Salary of the Deputy Sheriff of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That paragraph 3, of Section 8, Chapter 60, Volume 23, Laws of Delaware, be and the same is hereby amended by adding thereto after the word "Dollars" in the fourth line of said paragraph the following:—"except the Sheriff of Kent County who may select and employ one deputy at a salary of Seven Hundred and Fifty Dollars."

Chapter 60,
Volume 23,
amended

Salary of Deputy Sheriff of
Kent County

Section 2. That this Act shall go into effect immediately upon the approval hereof.

Approved March 29, A. D. 1907.

OF SALARIES.

CHAPTER 84.

OF SALARIES.

AN ACT to Amend Section 7, Chapter 60, Volume 23, Laws of Delaware, being "An Act Requiring and Enforcing Payment to the County Treasurer of all Fees of Certain Offices, Regulating Accounts of Fees and Audits thereof, and Fixing the Compensation of such County Officers and of their Deputies and Clerks."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 60,
Volume 23,
amended
Increase of
allowance to
Clerk of Peace
in Kent and
Sussex Coun-
ties

Section 1. That Section 7 of Chapter 60, Volume 23, Laws of Delaware be amended by inserting after the word "dollars" in the twenty-third line of said section the words "provided that the Clerks of the Peace of Kent and Sussex Counties shall each receive thirty-three per centum of all fees and costs paid by them respectively to the County Treasurer of their respective Counties as is provided in the Act to which this Act is an amendment.

Approved April 4, A. D. 1907.

OF SALARIES.

CHAPTER 85.

OF SALARIES.

AN ACT to Amend Chapter 60, Volume 23, Laws of Delaware, being an Act entitled "An Act Requiring and Enforcing Payment to the County Treasurer of all Fees of Certain Offices, Regulating Accounts of Fees and Audits thereof, and Fixing the Compensation of such County Officers and of their Deputies and Clerks."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 60, Volume 23, Laws of Delaware, being an act entitled "An Act requiring and enforcing payment to the County Treasurer of all fees of certain offices, regulating accounts of fees and audits thereof, and fixing the compensation of such County Officers and of their Deputies and Clerks," be and the same is hereby amended by inserting between the word "Chancery" and the word "Clerks" in the fifth line of the first section thereof the word "and", and by striking out of the fifth and sixth lines of said Section the words "and Sealers of Weights and Measure", and by inserting in the third line of Section 2 of said statute between the word "Chancery" and the word "Clerk" the word "and", and by striking out of the third and fourth lines of said Section 2 the words "and Sealers of Weights and Measures."

Chapter 60,
Volume 23,
amended

Salary of Sealers
of Weights
and Measures
repealed

Approved February 25, A. D. 1907.

OF SALARIES.

CHAPTER 86.

OF SALARIES.

AN ACT to Amend Chapter 60, Volume 23, Laws of Delaware, entitled: "An Act Requiring and Enforcing Payment to the County Treasurer of all Fees of Certain Offices, Regulating Accounts of Fees and Audits thereof, and Fixing the Compensation of such County Officers and of their Deputies and Clerks."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 60,
Volume 23,
amended

Changing date
for payment of
fees to County
Treasurer

Section 1. That Chapter 60, Volume 23, of the Laws of Delaware, be and the same is hereby amended by striking out of Section 2 thereof the words "the first secular" in the fifteenth line of said Section 2, and inserting in lieu thereof the words "or before the fifteenth" and by striking out the words "the first secular" in the twenty-third line of said Section 2 and inserting in lieu thereof the words "or before the fifteenth".

Deputies and
Clerks of County
officers in
New Castle
County, number
and
salaries of

Section 2. That the chapter aforesaid be and the same is hereby further amended by striking out all of Section 8 after the word "namely" in the fourth line of said Section 8, and before the words "In Kent County" in the nineteenth line of said Section 8, and inserting in lieu thereof the words "In New Castle County the Clerk of the Peace may select and employ one deputy at a salary of One Thousand and Two Hundred Dollars; and three clerks, each at a salary of Nine Hundred Dollars; the Sheriff, three deputies, one at a salary of One Thousand and Two Hundred Dollars, and two at Eight Hundred Dollars each; the Coroner, one deputy at a salary of Five Hundred Dollars; the Prothonotary, one deputy at a salary of One Thousand and Two Hundred Dollars; the Recorder, one deputy at a salary of One Thousand and Two Hundred Dollars and four clerks, each at a salary of Nine Hundred Dollars; the Register of Wills, one deputy at a salary of One Thousand and Two Hundred Dollars and one clerk at a salary of Nine Hundred Dollars; the Register in Chancery and Clerk of the Orphans Court may select and

OF SALARIES.

employ two clerks at a salary of Eight Hundred Dollars each."

Section 3. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved February 18, A. D. 1907.

CHAPTER 87.

OF SALARIES.

AN ACT to Amend "An Act Requiring and Enforcing Payment to the County Treasurer of all Fees of Certain Offices, Regulating Accounts of Fees and Audits thereof, and Fixing the Compensation of such County Officers and their Deputies and Clerks", being Chapter 60, Volume 23, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That Section 7 of Chapter 60, Volume 23, Laws of Delaware, being "An Act requiring and enforcing payment to the County Treasurer of all fees of certain offices, regulating accounts of fees and audits thereof, and fixing the compensation of such County officers and their deputies and clerks", be and the same is hereby amended by inserting between the word "by" and the word "the" in the thirteenth line of said Section the words "warrants drawn by the Levy Court on".

Section 2. That Section 9 of Chapter 60, Volume 23, Laws of Delaware, being "An Act requiring and enforcing payment to the County Treasurer of all fees of certain offices, regulating accounts of fees and audits thereof, and fixing the compensation of such County officers and their deputies and clerks", be and the same is hereby amended by inserting between the word "by" and the word "the" in the second line

OF THE GENERAL ASSEMBLY.

of said Section the words "warrants drawn by the Levy Courts of the respective Counties on".

Section 3. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved January 29, A. D. 1907.

CHAPTER 88.

OF THE GENERAL ASSEMBLY.

AN ACT Regulating the Distribution of Stationery, Postage and Supplies for the General Assembly.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Supplies for
General
Assembly, how
distributed

Section 1. That all stationery, postage and supplies purchased for the use of the General Assembly pursuant to the provisions of Chapter 82, Volume 23, Laws of Delaware, shall be placed in the custody of the State Librarian, who is hereby constituted the custodian and dispenser of all such stationery, postage and supplies to the members of the General Assembly.

State Librarian
duty of

Section 2. That the State Librarian shall at the beginning of each biennial session of the General Assembly place to the credit of each member thereof the sum of Twenty-five Dollars (\$25.00), and at the beginning of each special session thereof the sum of ten dollars (\$10.00) to be drawn upon by such members of the General Assembly for such stationery, postage and supplies.

Members, to
secure supplies
how

Section 3. That each member of the General Assembly may make requisition upon the State Librarian for any such stationery, postage and supplies to the extent of the credit so as aforesaid given him.

Approved March 14, A. D. 1907.

OF THE SECRETARY OF STATE.

CHAPTER 89.

OF THE SECRETARY OF STATE.

AN ACT to Authorize the Secretary of State to Procure a New Seal, to be Used as the Great Seal of the State of Delaware, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Great Seal of State, Secretary of State to procure

Section 1. That the Secretary of State be, and he is hereby authorized to procure a new seal and press, to be used as the Great Seal of the State of Delaware, which said seal shall not exceed three inches in diameter, and shall be emblazoned as follows: Party per fess, or and argent, the first charged with a garb (wheat sheaf) in bend dexter; and an ear of maize (Indian corn) in bend sinister, both proper; the second charged with an ox stantant, ruminating, proper; fess, wavy azure-supporters on the dexter, a husbandman with a hilling hoe, on the sinister, a rifleman armed and accoutred, at ease. Crest, on a wreath azure and argent, a ship under full sail, proper; with the words "Great Seal of the State of Delaware", and also, the words "Liberty and Independence" engraved thereon.

How emblazoned

Break old seal, when

Section 2. That when the said seal and press shall be so procured as aforesaid, the Secretary of State shall break and destroy, or cause to be broken and destroyed, the Seal now used as the Great Seal of the State of Delaware, and shall keep and use the new seal, by him procured as aforesaid, for all purposes for which the Great Seal of the State is now used.

New seal declared Great Seal of State

Approved February 25, A. D. 1907.

OF THE SECRETARY OF STATE.

CHAPTER 90.

OF THE SECRETARY OF STATE.

AN ACT Increasing the Amount of the Official Bond of the Secretary of State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Bond of Secretary of State

Section 1. That the Secretary of State, before entering upon his office, shall with sufficient surety or sureties, become bound to the State of Delaware by a joint and several obligation, to be with the surety or sureties approved by the Governor, in the penal sum of Ten Thousand dollars with condition according to the form prescribed in Section 6 of Chapter 20, Revised Code of 1893.

Provided that the present incumbent shall give such bond within 20 days after the approval of this Act, which said bond shall be in lieu of the obligation now provided by law.

Approved March 4, A. D. 1907.

OF THE SECRETARY OF STATE.

CHAPTER 91.

OF THE SECRETARY OF STATE.

AN ACT to Amend Chapter 28 of the Revised Statutes of the State of Delaware, Relating to the Secretary of State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 8 of Chapter 28 of the Revised Statutes of the State of Delaware, be and the same is hereby stricken out and the following inserted in lieu thereof:

Section 8 of Chapter 28, Revised Code amended

“He shall on the first week day of each month pay into the Treasury all money received by him and due to the State or School Fund; shall settle his accounts with the Auditor of Accounts annually in December, (a copy whereof shall be presented to the next Legislature)”.

When Secretary of State to pay to State Treasurer funds due State

Approved March 21, A. D. 1907.

OF THE AUDITOR OF ACCOUNTS.

CHAPTER 92.

OF THE AUDITOR OF ACCOUNTS.

AN ACT Relating to the Salary of the Auditor of Accounts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Auditor of
Accounts,
salary of

Section 1. That the annual salary of the Auditor of Accounts shall be Two Thousand Dollars, to be paid to him by the State Treasurer in quarterly installments of Five Hundred Dollars each, out of any money in the State Treasury, not otherwise appropriated, said salary to be in lieu of any salary or compensation heretofore provided by law.

Section 2. That this Act shall become operative and go into effect immediately upon its approval, and all acts and parts of acts inconsistent with this Act are hereby repealed.

Approved March 29, A. D. 1907.

OF THE ATTORNEY GENERAL.

CHAPTER 93.

OF THE ATTORNEY GENERAL.

AN ACT to Authorize the Attorney General to Appoint Three Deputies and Fixing the Salary of the Attorney General and the said Deputies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The Attorney General shall have power and authority to appoint from the practicing members of the Bar of each County of this State a lawyer, resident in each of said Counties, to be his deputy. That the term of office of such deputies and the duties by them to be performed shall be determined and fixed from time to time by general or special appointments, regulations, and orders made by the Attorney General.

Attorney General to appoint three deputies

Section 2. The Salary of the Attorney General shall, from and after the passage of this act, be Two thousand and five hundred dollars per annum, payable in equal quarterly installments by the State Treasurer.

Salary of Attorney General

The salary of the Deputy to be resident in New Castle County shall be One thousand dollars per annum, payable in equal quarterly installments to said Deputy by the State Treasurer. The salaries of each of the Deputies to be resident in Kent and Sussex Counties, respectively, shall be Five hundred dollars per annum, payable in equal quarterly installments by the State Treasurer.

Salaries of deputies

Galley 32 thirty two

It shall be the duty of the Attorney General, upon making the appointment of any deputy herein above provided for, and upon making any change therein, to immediately certify the same to the State Treasurer.

Attorney General to certify appointments to State Treasurer

Section 3. Chapter 63 Volume 23 Laws of Delaware is hereby repealed; and all Acts and parts of Acts inconsistent herewith are hereby repealed.

Chapter 63, Volume 23, repealed

Approved March 29, A. D. 1907.

OF CONSTABLES.

CHAPTER 94.

OF CORONERS.

AN ACT to amend Chapter 60, Volume 23, Laws of Delaware by Increasing the Salary of the Coroner of New Castle County.

Chapter 60,
Volume 23,
amended

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Salary of Coroner of New Castle County

Section 1. That Chapter 60 Volume 23 Laws of Delaware, be and the same is hereby amended by striking out of Section 7 thereof in the sixteenth and seventeenth lines thereof the words "One thousand and two hundred dollars," and inserting in lieu thereof the words "Fifteen hundred dollars."

Approved April 23, A. D. 1907.

CHAPTER 95.

OF CONSTABLES.

AN ACT repealing Chapter 295, Volume 22, Laws of Delaware being an Act entitled "An Act to amend an Act entitled 'An Act authorizing the appointment of an additional Constable in New Castle County'", approved April 16, 1903.

Chapter 295,
Volume 22,
repealed

Be it enacted by the Senate and House of Representative of the State of Delaware in General Assembly met :

Section 1. That Chapter 295, Volume 22, Laws of Delaware being an Act entitled "An Act to amend an Act entitled 'An Act authorizing the appointment of an additional constable in New Castle County'", approved April 16, 1903, be and the same is hereby repealed and made null and void.

Approved February 7, A. D. 1907.

OF CONSTABLES.

CHAPTER 96.

OF CONSTABLES.

AN ACT in Relation to the Bond of the Constable Appointed for and Residing in White Clay Creek Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act the penal sum in the official bond of the constable appointed for and residing in White Clay Creek Hundred shall be five hundred dollars (\$500.00). Penal bond of constable in White Clay Creek Hundred fixed at \$500

Section 2. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved March 13, A. D. 1907.

CHAPTER 97.

OF CONSTABLES.

AN ACT in Relation to the Penalty in the Official Bond of Constables in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act the penalty in the official bonds of constables in Sussex County shall be One Thousand Dollars. Penalty in bonds of constables in Sussex County fixed at \$1,000

Section 2. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 4, A. D. 1907.

OF RECORDER OF DEEDS.

CHAPTER 98.

OF RECORDER OF DEEDS.

AN ACT to Require the Recorder of Deeds in New Castle County to Perform Certain Duties in Relation to the Records of Lands Sold for County Taxes.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Recorder of Deeds, duty of, in respect to lands sold for taxes

Duty of Collector of Taxes respecting lands sold for taxes

Fees

Section 1. When any lands are sold for county taxes in New Castle County by any officer authorized by law to make any such sale, such officer shall give written notice to the Recorder of Deeds, within ten days after any such sale, of the date of such sale, the name of the purchaser at such sale, and the record of last Deed in the chain of the title of such land, who shall, forthwith, endorse on the record of such last Deed the following: "The within land was advertised and sold for County Taxes to ".....(naming the purchaser) "on the" (Day) "Day of" (month), "A. D. 190 " (years); and the Recorder of Deeds shall, for such service, receive a fee of fifty cents, which shall be collected as part of the costs of such sale and shall be paid by the officer making the sale to the Recorder.

Section 2. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved March 29, A. D. 1907.

OF PROTHONOTARIES.

CHAPTER 99.

OF PROTHONOTARIES.

AN ACT to Authorize the Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, to Make Direct Indices of Judgments in his office, using the Campbell System of Indexing.

Whereas, there are no direct indices of judgments entered in the office of the Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, as contemplated by law, and by reason whereof the officers of the Court and the general public are greatly inconvenienced, especially so since the enactment of the Act Limiting Lien of Judgments; and

Preamble

Whereas, it is necessary for the proper transaction and dispatch of the business of said office and for the information and convenience of the public of said county that such indices should be prepared, now therefore

Preamble

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That the Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, be and he is hereby authorized and directed to make, or cause to be made, complete direct indices of all the judgments in his office from the April Term 1862 of said Superior Court to the present time. In making said indices he shall use the Campbell system of indexing, and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex County.

Prothonotary of Sussex County to make certain indices

Campbell system

Section 2. That the Levy Court of Sussex County be and it is hereby authorized and directed to appoint, from among the members of the Sussex County Bar, two commissioners, one from each of the two principal political parties, which said commissioners shall examine said indices after the said prothonotary shall have completed the same, and if they approve the execution and correctness of the said indices they

Commissioners, how to be appointed

Duty of

OF PROTHONOTARIES.

New indices to
be official
indices

shall certify their approval on each record thereof, that then and after such certificates the said indices shall become and be the direct indices to all the judgments which are of record in the said Superior Court in and for Sussex County aforesaid from the said April Term 1862 to the present time.

Compensation
of Prothono-
tary

Section 3. That the said Prothonotary shall receive for his services in making said indices authorized by this act, a just and reasonable compensation, not to exceed the sum of One Thousand Dollars, to be determined by the resident judge of Sussex County, and shall be paid the sum so awarded by said resident judge by the Levy Court of Sussex County, upon having filed with it the certificate of said Commissioners of their approval of said indices and the certificate of the said resident judges as to the sum awarded by him to said Prothonotary.

Compensation
of Commis-
sioners

Section 4. That the said Commissioners shall receive for their services a just and reasonable compensation, not to exceed the sum of Five Hundred Dollars to each commissioner, to be determined by the resident judge of Sussex County, and shall be paid the sum so awarded by said resident judge by the Levy Court of Sussex County, upon having filed with it the certificate of said resident judge as to the sum awarded by him to said commissioners for their services.

Approved April 18. A. D. 1907.

OF REGISTRER IN CHANCERY.

CHAPTER 100.

OF REGISTER IN CHANCERY.

AN ACT Authorizing the Register in Chancery, in and for Sussex County to Make Indices for Causes in Partition.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Section 1. That the Register in Chancery of the State of Delaware, in and for Sussex County, be and he is hereby authorized, empowered, and directed to make, or cause to be made, a true and correct copy of the indices to causes in partition recorded in his office, pursuant to the Campbell System, in one or more volumes; or as he may deem advisable; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex County.

Register in Chancery of Sussex County to make certain indices
Campbell system adopted

Section 2. That the Levy Court of Sussex County be, and the same is hereby authorized, empowered, and directed to appoint two Commissioners, one of whom shall be a Republican, and the other shall be a Democrat, whose duty it shall be to examine said indices after the said Register in Chancery shall have completed the same; and if they approve of the execution and correctness of the said indices, they shall certify their approval on each record thereof, and that then and after such certification, the said indices shall become and be the indices to all the Chancery partition records in the office of the Register in Chancery of the State of Delaware, in and for Sussex County, aforesaid; Provided that the said Levy Court may fill any vacancy caused by the death, refusal or failure, unwillingness or inability to act of the said commissioners, or either of them.

Commissioners, how to be appointed.
Duty of
vacancies, how filled

Section 3. That after the said Commissioners shall have certified as aforesaid, the Levy Court of Sussex County shall pay to the Register in Chancery and to the Commissioners a just and reasonable compensation for their services, the amount to be fixed by the Chancellor of the State of Dela-

Compensation of Register in Chancery and Commissioners

OF REGISTER IN CHANCERY.

ware, upon the application of the said Register in Chancery and the said Commissioners, provided, however, that the compensation allowed therefor shall not exceed the sum of Six Hundred Dollars.

Register to
continue
indices

Section 4. That the Register in Chancery, in and for Sussex County is hereby authorized and required to continue said indices from and after the passage of this Act without compensation whatever for said continuation of said indices.

Approved April 18, A. D. 1907.

OF REGISTER OF WILLS.

CHAPTER 101.

OF REGISTER OF WILLS.

AN ACT to Authorize the Register of Wills of the State of Delaware in and for Kent County to Make New Indices for Wills, and Executors' and Administrators' Accounts Recorded in his office.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Register of Wills of the State of Delaware in and for Kent County be and he is hereby authorized and required to make or cause to be made, pursuant to the Campbell System of indices, in one or more volumes, a true and correct copy of the indices to Wills, and to Executors' and Administrators' Accounts recorded in his office; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Kent County.

Register of Wills of Kent County to make certain indices
Campbell system adopted

Section 2. That the Levy Court of Kent County shall appoint two Commissioners whose duty it shall be to examine such copy as aforesaid, after the completion thereof, and if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct copy of such indices; and then and after such certification the said copy shall become and be the indices of the said County in lieu of those heretofore and now in use.

Commissioners, how appointed
Duty of

Section 3. That after the said Commissioners shall have certified as aforesaid, the Levy Court of Kent County shall pay to the Register of Wills and to the said Commissioners a just and reasonable compensation for their services to be fixed by the Levy Court of Kent County aforesaid upon application by the said Register of Wills and the said Commissioners.

Compensation of Register of Wills and Commissioners

Which said compensation shall be paid at such time or times within a period of two years as the said Levy Court shall deem meet and proper.

Approved March 14, A. D. 1907.

OF STATE CHEMIST.

CHAPTER 102.

OF STATE CHEMIST.

AN ACT to Amend Chapter 438, Volume 17, Laws of Delaware, entitled "An Act to Amend the Act entitled "An Act to amend the Act entitled "An Act Providing for the Appointment of a State Chemist, passed at Dover April 8th, 1881" Providing a Change in the Analysis Fee of the State Chemist.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 438,
Volume 17,
amended

Diminishing
fee for
analysis

Section 1. That Section 5 of Chapter 438, Volume 17, Laws of Delaware, entitled "An Act to amend the act entitled "An Act to amend the act entitled "An Act providing for the appointment of a State Chemist, passed at Dover April 8th, 1881," be and the same is hereby amended by striking out the word "thirty" between the words "of" and "dollars" in the third line of said section, and inserting in lieu thereof the word "twenty".

Approved February 14, A. D. 1907.

OF INSURANCE.

CHAPTER 103.

OF INSURANCE.

AN ACT Relating to the Annual Reports of Life Insurance Companies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. In addition to any other matter which may be required by law or pursuant to law by the commissioner of insurance to be stated therein every annual report of every life insurance company doing business in this state, shall contain an accurate, concise and complete statement of the following matters, to-wit: (1) All the real property held by the company, the dates of acquisition, the names of the vendors, the actual cost, the value at which it is carried on the company's books, the market value, the amounts expended during the year for repairs and improvements, the gross and net income from each parcel, and if any portion thereof be occupied by the company the rental value thereof, a statement of any certificate issued by the commissioner extending the time for the disposition thereof, and all purchases and sales made since the last annual statement, with particulars as to dates, names of vendors and vendees, and the consideration. (2) The amount of existing loans upon the security of real property, stating the amount loaned upon property in each state and foreign country. (3) The moneys loaned by the company to any person other than loans upon the security of real property above mentioned and other than loans upon policies the actual borrowers thereof, the maturity and rate of interest of such loans, the securities held therefor, and all substitutions of securities in connection therewith, and the same particulars with reference to any loans made or discharged since the last annual statement. (4) All other property owned by the company or in which it has any interest (including all securities, whether or not recognized by the law as proper investments), the dates of acquisition, from whom acquired, the actual cost, the value at which the property is carried upon the books, the market value, the interest or dividends received

Annual Report
of Life Insurance Co., to
contain what

OF INSURANCE.

thereon, during the year; also all purchases and sales of property other than real estate made since the last annual statement, with particulars as to dates, names of purchasers and sellers, and the consideration; and also the income received and outlays made in connection with all such property. (5) All commissions paid to any persons in connection with loans or purchases or sales of any property, and a statement of all payments for legal expenses, giving the particulars as to dates, amounts and names and addresses of payees. (6) All moneys expended in connection with any matter pending before any legislative body or any officer or department of government, giving particulars as to dates, amounts, names and addresses of payees, the measure or proceeding in connection with which the payment was made, and the interest of the company therein. (7) The names of the officers and directors of the company, the proceedings at the last annual election, giving the names of candidates and the number of votes cast for each and whether in person, by proxy or mail. (8) The salary, compensation and emoluments received by officers or directors and where the same amounts to more than five thousand dollars, that received by any person, firm or corporation, with particulars as to dates, amounts, payees and the authority by which the payment was made; also all salaries paid to any representative either at the home office, or at any branch office or agency, for agency supervision. (9) The largest balances carried in each bank or trust company during each month of the year. (10) All death claims resisted or compromised during the year, with particulars as to sums insured, sums paid and reasons assigned for resisting or compromising the same in each case. (11) A complete statement of the profits and losses upon the business transacted during the year and the sources of such gains and losses, and a statement showing separately the margins upon premiums for the first year of insurance and the actual expenses chargeable to the procurement of new business incurred since the last annual statement. A foreign company, issuing both participating and nonparticipating policies, shall make a separate statement of profits and losses, margins and expenses as aforesaid, with reference to each of said kinds of business, and also showing the manner in which any general outlays of the company have been apportioned to each of such kinds of busi-

OF INSURANCE.

ness. (12) A statement separately showing the amount of the gains of the company for the year attributable to policies written after December thirty-first nineteen hundred and six and the precise method by which the calculation has been made. (13) The rates of annual dividends declared during the year for all plans of insurance and all durations and for ages at entry, twenty-five, thirty-five, forty-five and fifty-five, and the precise method by which such dividends have been calculated. (14) A statement showing the rates of dividends declared upon deferred dividend policies completing their dividend periods for all plans of insurance and the precise method by which said dividends have been calculated. (15) A statement showing any and all amounts set apart or provisionally ascertained or calculated or held awaiting apportionment upon policies with deferred dividend periods longer than one year for all plans of insurance and all durations and for ages of entry as aforesaid, together with the precise statements of the methods of calculation by which the same have been provisionally or otherwise determined. (16) A statement of any and all reserve or surplus funds held by the company and for what purpose they are claimed respectively to be held.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

Approved April 9, A. D. 1907.

OF INSURANCE.

CHAPTER 104.

OF INSURANCE.

AN ACT Regulating Life Insurance Companies and Prohibiting the Diversion of Funds for Political Purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Insurance Companies prohibited diversion of funds for practical purposes

Section 1. No insurance company or association including fraternal beneficiary associations, doing business in this State, shall, directly or indirectly, pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint stock or other association organized or maintained for political purposes, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this Act, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives money or property in violation of this act, shall be guilty of a misdemeanor and be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars (\$1000), and any officer aiding or abetting in any contribution made in violation of this act, shall be liable to the company or association for the amount so contributed. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce

Violation of act a misdemeanor

Penalty

No person exempt from testifying

Protection against prosecution on account of matters testified to

OF INSURANCE.

evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding.

Section 2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

Approved March 5, A. D. 1907.

CHAPTER 105.

OF INSURANCE.

AN ACT to Prohibit Misrepresentations by Life Insurance Companies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. No life insurance company doing business in this State and no officer, director or agent thereof shall issue or circulate, or cause or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the dividends or shares of surplus to be received thereon, or shall use any name or title to any policy or class of policies misrepresenting the true nature thereof. Misrepresentation by Insurance Companies prohibited

Section 2. The penalty for the violation of this act shall Penalty be a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500), at the discretion of the court.

Section 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 4. This act shall take effect and be in force from and after its passage.

Approved March 5, A. D. 1907.

OF INSURANCE.

CHAPTER 106.

OF INSURANCE.

AN ACT Relating to the Provisions of Life Insurance Policies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Policy of insurance must contain entire contract

Section 1. Every policy of insurance issued or delivered within this State on and after the first day of January, nineteen hundred and eight, by any life insurance company doing business within this State shall contain the entire contract between the parties.

Section 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

Approved March 5, A. D. 1907.

OF INSURANCE.

CHAPTER 107.

OF INSURANCE.

AN ACT Prohibiting Corporations or Stock Companies Acting as Agents or Solicitors for Life Insurance Companies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. No corporation or stock company shall be licensed as the agent or representative of any life insurance company or association in soliciting, selling, or in any manner placing life insurance policies or contracts in this State.

Corporation
may not act as
agent for Life
Insurance Co.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

Approved March 21, A. D. 1907.

OF INSURANCE.

CHAPTER 108.

OF INSURANCE.

AN ACT Defining the Status of Persons Soliciting Life Insurance.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Solicitor of insurance, agent of Company

Section 1. Any person who shall solicit an application for insurance upon the life of another shall, in any controversy between the assured or his beneficiary and the company issuing any policy upon such application, be regarded as the agent of the company and not the agent of the assured.

Section 2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

Approved March 21, A. D. 1907.

OF INSURANCE.

CHAPTER 109.

OF INSURANCE.

AN ACT to Amend Chapter 23, Volume 19, Laws of Delaware, entitled "An Act to Repeal and Supply Chapter 117, Volume 13, Laws of Delaware, as Amended by Chapter 423, Volume 17, Laws of Delaware, Amended," by Changing the Tax on Certain Insurance Companies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 23, Volume 19, Laws of Delaware, entitled "An Act to repeal and supply Chapter 117, Volume 13, Laws of Delaware, as amended by Chapter 423, Volume 17, Laws of Delaware. Amended," be and the same is hereby amended by striking out all of Section 3 of said Act between the word "therefor" in the seventeenth line of said Section and the first word in the twenty-seventh line of said Section and inserting in lieu thereof the following, to wit:—

"And each and every insurance company, firm or corporation doing the business of life insurance within the State, shall, on the twenty-eighth day of February of each year, pay to the Insurance Commissioner, for the use of the State, two per centum on the gross amount of premiums received and assessments collected by any such insurance company, firm or corporation or authorized agent for the year immediately preceding the thirty-first day of December next preceding the date herein provided for such payment, and every insurance company, firm or corporation doing any other insurance business within the State, shall, on the first day of February of each year, pay to the Insurance Commissioner, for the use of the State, one and one-half per centum on the gross amount of premiums received and assessments collected by any such insurance company, firm or corporation, or authorized agent for the year immediately next preceding the date herein provided for such payment."

Chapter 23,
Volume 19,
amended

Increasing
rate of tax on
Life Insurance
Companies

Approved April 9, A. D. 1907.

OF INSURANCE.

CHAPTER 110.

OF INSURANCE.

AN ACT to Regulate the Investment of the Funds and the Real Estate Holdings of Life Insurance Companies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Character of
Investments of
funds of Life
Insurance
Companies

Section 1. No domestic life insurance company, whether incorporated by special act or under a general law shall, after the first day of January, 1908, invest in or loan upon any shares of stock of any corporation, other than a municipal corporation; or, excepting government, state or municipal securities, shall it invest in or loan upon, any bonds or obligations not secured by adequate collateral security and when more than one-third of the total value of the collateral security shall consist of shares of stock, it shall be deemed inadequate. Every such company possessed of stocks or securities prohibited by this act shall dispose of the same within five years, unless such time is extended by the commissioner of insurance.

Investments,
how made

No investment or loan, except policy loans, shall be made by any such life insurance company, unless the same shall first have been authorized by the board of directors, or by a committee thereof charged with the duty of supervising such investment or loan.

Underwriting
prohibited

No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company jointly with any other person, firm or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors. Any such company, in addition to other investments allowed by law, may invest any of its funds and accumulations in the bonds of the United States or of this state or of any county, city, town or village, or duly

Kinds of
Investments
permitted

OF INSURANCE.

organized school district therein, or of any municipality or civil division of any state and may loan upon improved unincumbered real property in any state 50 per centum of the value of such property, or invest in the mortgage bonds of any dividend paying railway or street railway company duly incorporated and organized under the authority of this state or any other state and it may also make loans on the security of promissory notes amply secured by pledge of any bonds in which such insurance companies are hereby authorized to invest their funds, and may also make loans upon the security of its own policies, but no loan on any policy shall exceed the reserve value thereof.

Section 2. Every such life insurance company may acquire, hold and convey real property only for the following purposes and in the following manner: Real estate holdings, for what purposes

1st. Such as shall be requisite for convenient accommodation in the transaction of its business.

2nd. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due.

3rd. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4th. Such as shall have been purchased at sales on judgments, decrees or mortgages obtained or made for such debts.

All such real property specified in sub-divisions, 2, 3 and 4 of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within two years after the company shall have acquired title to the same, or within two years after the same shall have ceased to be necessary for the accommodation of its business, and it shall not hold such property for a longer period unless it shall procure a certificate from the commissioner of insurance that its interests will suffer materially by the forced sale thereof, in which event the time for the sale may be extended to such time as the commissioner shall direct in such certificate. Real estate, how long may hold same

Section 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

OF INSURANCE COMMISSIONER.

Section 4. This act shall take effect and be in force from and after its passage.

Approved April 9, A. D. 1907.

CHAPTER III.

OF INSURANCE COMMISSIONER.

AN ACT to Permit the Registration of Life Insurance Policies and the Deposit of Reserve thereon with the Insurance Commissioner.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Life Insurance
Company may
deposit funds
to protect any
"Registered"
policies

Section 1. Any domestic life insurance company may deposit with the insurance commissioner securities of the kind required and authorized by law for the investment of life insurance funds, to any amount not less than ten thousand dollars, which shall be legally transferred by it to him as insurance commissioner and his successors, for the common benefit of the holders of its "Registered" policies and bonds issued under the provisions of this act, which shall be held by him and his successors in office, in trust for the purposes and objects specified therein.

Entry to be
made in "Reg-
istered" policy

Section 2. After making the deposit aforesaid, no company shall issue a policy or bond known or designated as "registered" unless it shall have upon its face a certificate in the following words: "This policy (or bond, as the case may be) is registered and secured by a deposit of approved securities with this department as provided by law" which certificate shall be signed by the insurance commissioner or a duly authorized deputy and sealed with the seal of his office. Such policies and bonds shall be known as "registered" policies and bonds, and a sample copy of each kind, class and issue shall be

OF INSURANCE COMMISSIONER.

kept in the office of the insurance commissioner. All policies or bonds of each kind and class issued shall have imprinted thereon some appropriate designating letter, combination of letters or terms identifying the special forms of contract, and when ever any change or modification is made in the form of contracts, policy or bond, the designating letters or terms thereon shall be correspondingly changed.

Section 3. The Insurance Commissioner shall prepare and keep such records of all "registered" policies and bonds, as will enable him to ascertain the reserve required thereon at any time according to the American Table of Mortality and three and one-half per cent. interest. Upon sufficient proof, attested by the president or vice-president and secretary of a company which shall have issued such "registered" policies or bonds, that any of them have been commuted or terminated, the insurance commissioner shall commute or cancel them upon his records. On the thirty-first day of December in every year, or within sixty days thereafter, the insurance commissioner shall cause the registered policies and bonds in force in each company to be carefully valued and the net reserve thereon ascertained according to the American Table of Mortality and three and one-half per cent interest, and he shall thereupon furnish a certificate of the aggregate amount of such reserve to the respective companies. The insurance commissioner may employ a competent actuary to make such computation, who shall be paid by the company for which the services are rendered, or the insurance commissioner may accept the computations of any of the companies upon such proof as he may determine.

Section 4. Each company which shall have made the deposit herein provided for, shall make additional deposits from time to time, as the insurance commissioner may prescribe, in amounts of not less than five thousand dollars and of such securities as domestic life insurance companies are authorized by law to invest in, so that the market value of the securities on deposit shall always equal the net reserve required by the American Table of Mortality and three and one-half per cent. interest, on all the registered policies and bonds in force in said company.

Section 5. The insurance commissioner shall keep a care-

Record of
"Registered"
policies to be
kept by Insur-
ance Commis-
sioner

Entries therein

Duty of Insur-
ance Commis-
sioner

Amounts In-
surance Co.
may deposit
at any one time

OF INSURANCE COMMISSIONER.

Insurance
Commissioner
to keep record
of investments
deposited

ful record of the securities deposited by each company, and when furnishing the annual certificates of value required by section two, he shall enter thereon the amount and value of the securities deposited by such company. If at any time it shall appear from such certificates or otherwise that the value of the securities held on deposit is less than the reserve required by the American Table of Mortality and three and one-half per cent. interest on all the registered policies and bonds in force in such company, it shall not be lawful for the insurance commissioner to execute certificates on any additional policies or bonds of such company until it shall have made good the deficit. If any company fails or neglects to make good such deficit for sixty days it shall be deemed insolvent and shall be proceeded against in the manner provided by law in such cases.

When deposits
insufficient to
cover necessa-
ry reserve,
Insurance
Commissioner
to refuse to
certify to
policies

Companies
may withdraw
deposits, when

Section 6. Any company whose deposits exceed the net reserve required on all the registered policies and bonds it has in force, may withdraw such excess, or it may withdraw any of such deposit at any time by depositing other securities equal in value to those withdrawn and of the character authorized by law; and so long as such company shall remain solvent and keep its deposits as herein required, it may collect the interest and coupons on the securities deposited at the same accrue.

Insurance
Commissioner
to receive and
receipt for
securities

Section 7. The insurance commissioner shall receive the securities required by this act to be transferred to and deposited with him, and shall give vouchers for same to the companies so depositing. It shall be his duty, upon receipt of securities from any insurance company, to forthwith deposit the same in the presence of the president, vice-president or authorized agent of that company, in a strong iron box, which shall require two distinct and different keys to unlock the same, one key to be kept by the insurance commissioner and the other by the company; and the box shall not be opened except in the presence of the insurance commissioner or a duly authorized deputy, and said president, vice-president or authorized agent of the company: Provided however, that in case a company having securities on deposit shall be adjudged insolvent or be dissolved, the court shall make and enforce the necessary orders to place said securities, or any part of them, at the sole disposal of the insurance commissioner.

How
deposited

How with-
drawn

Proviso
in case of
insolvency

OF INSURANCE COMMISSIONER.

The boxes in which the securities are deposited shall be kept ^{Where deposited} in the vaults of the Farmers Bank at Dover, or other like depository to be selected by the insurance commissioner. ^{Failure to perform duty renders Insurance Commissioner liable on bond} If said insurance commissioner or his deputy shall willfully fail, refuse or neglect to faithfully keep, deposit, account or surrender, in the manner authorized or required by law, any such securities as aforesaid, transferred to and received by him or into his custody, under the provisions of this act, such insurance commissioner shall be responsible upon his official bond, and ^{Guilty of felony} suit may be brought upon said bond by the person injured; and the said insurance commissioner or his deputy so offending shall, upon conviction thereof, be adjudged guilty of a felony, and punished by a fine of not exceeding ^{Penalty} ten thousand dollars, and by imprisonment for not less than two years or more than ten years.

Section 8. Every company making deposits under the provisions of this act, shall pay the insurance commissioner ^{Fees of Insurance Commissioner} for each certificate on registered policies and bonds, including seal, a fee of fifty cents for those amounting to ten thousand dollars or more, and twenty-five cents for those amounting to less than ten thousand dollars, except policies for one hundred dollars and not exceeding five hundred dollars the fee shall be fifteen cents; for policies less than one hundred dollars the fee shall be ten cents.

Section 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 10. This act shall take effect and be in force upon and after its passage.

Approved April 9, A. D. 1907.

OF COLLECTOR OF STATE REVENUE.

CHAPTER 112.

OF COLLECTOR OF STATE REVENUE.

AN ACT to Provide for the More Efficient Collection of Certain State Revenue.

Preamble Whereas, it is provided by law, that a large amount of the State revenue is collected by and paid to the Clerks of the Peace of the respective Counties of this State. The amount of said revenues being based in each case upon statements made under oath or affirmation of certain parties, and

Preamble Whereas, a great many of said statements so made have been false, whereby the State has lost much revenue, and

Preamble Whereas, for the relief of the State in the future as well as in the past, it is right that such statements should be properly investigated, in order that it may secure its full revenue from such source, and

Preamble Whereas Further, the said Clerks of the Peace have neither the means, opportunity or authority to investigate such statements, therefor

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Collector of State Revenue to be appointed by Governor Term Duty of Section 1. That the office of Collector of State Revenue is hereby created and established, the term of each incumbent of said office shall be four years, and the Governor is hereby empowered, authorized and directed to appoint such officer and to fill all vacancies occurring in said office and such appointments shall be for the full term. It shall be the duty of every such Collector, from time to time, to investigate all statements made under oath or affirmation and filed in the office of any Clerk of the Peace, (by any person, for the purpose of said Clerk ascertaining and collecting from every such person or any other person, firm or corporation, any revenue due the State) whenever he is requested so to do by any such Clerk of the Peace or his deputy; and it shall be the duty of the said Collector of State Revenue on his own motion when

OF COLLECTOR OF STATE REVENUE.

it shall appear necessary, to investigate any such statement so filed as aforesaid. Upon every such investigation by said officers of the statements mentioned in this section, he shall report the results thereof in writing to the Attorney General, whose duty it shall be to immediately take proper steps for the punishment of every person making such false statements.

Report to Attorney General

Section 2. The Clerks of the Peace of the several Counties shall have printed, a sufficient number of copies of the provisions of law applicable to the payment of State Revenue to them, by persons, firms or corporations and based upon the sworn statement of any person, and shall deliver the same, whenever requested by him to the Collector of State Revenue, who shall cause the same to be delivered to the persons making such statements, if possible.

Clerks of Peace to have printed certain laws

Section 3. The salary of the Collector of State Revenue shall be Twelve Hundred Dollars per year, payable monthly on the first day of each month, in equal installments of One Hundred Dollars and a contingent fund for the use of the Collector of State Revenue is hereby created and fixed at the sum of Three Hundred Dollars per annum, which shall be paid out of the State Treasury in the manner now provided by law for the paying out of the State Treasury of other contingent funds.

Salary

Contingent fund

Section 4. If any person shall make any false statement in any affidavit mentioned and described in this Act, he or she shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Thousand Dollars or imprisoned for not more than three years or both in the discretion of the Court.

False statement in affidavit misdemeanor

Penalty

Section 5. The said Collector of State Revenue, shall perform such other duties in relation to the State Revenue paid to the Clerks of the Peace, as he shall be directed to do by the respective Clerks of the Peace.

Additional duties of said Collector

Section 6. All laws and parts of laws inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved March 21, A. D. 1907.

OF STATE LIBRARIAN.

CHAPTER 113.

OF STATE LIBRARIAN.

AN ACT Authorizing the State Librarian to Dispose of Certain Books in the State Library.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Librarian
authorized to
sell certain
books

Funds, how
expended

Section 1. That the State Librarian be and he is hereby authorized to dispose of, by way of sale or exchange, such books in the State Library as are not needed, and of which there are a number of copies. Any money derived from the sale of books shall be expended by him, in such manner as he may deem best, for purchasing books which are needed in the State Library.

Approved March 29, A. D. 1907.

OF JANITOR.

CHAPTER 114.

OF JANITOR.

AN ACT to Amend an Act entitled "An Act to Authorize the Appointment of a Janitor for the State House," being Chapter 64, Volume 19, Laws of Delaware, Fixing the Compensation thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 3 of the Act entitled "An Act to authorize the appointment of a Janitor for the State House," being Chapter 64, Volume 19, Laws of Delaware, be and the same is hereby repealed and the following Section substituted in lieu thereof.

Section 2. That the Janitor shall receive for his services as such officer the sum of Five hundred dollars per year, and he is hereby authorized and empowered to draw upon the State Treasurer at the end of each quarter for the salary then due."

Approved March 29, A. D. 1907.

OF STATE REVENUE AND TAXATION COMMISSION.

CHAPTER 115.

OF STATE REVENUE AND TAXATION COMMISSION.

AN ACT Providing for the Creation of a Revenue and Taxation Commission and for an Appropriation to Pay the Expenses and Compensation thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Revenue
and Taxation
Commission

How composed

Certificates of
appointment

When filed

Organization

Officers

Duty of

Powers of

Section 1. That a Commission be and the same is hereby created consisting of nine persons to consider State revenue and taxation, and to make report thereon as hereinafter provided. That said Commission shall consist of three members of the House of Representatives in this General Assembly, to be appointed within ten days after the passage of this Act by the Speaker of the said House of Representatives, of three members of the Senate in this General Assembly, to be appointed within ten days after the passage of this Act by the President of the said Senate, and of three other citizens of the State of Delaware, to be appointed by the Governor within ten days after the passage of this Act. Said appointments shall be evidenced by written certificates making said appointments, signed respectively by the said Speaker of the House of Representatives, the said President of the Senate and the Governor, filed in the office of the Secretary of State. The said Commission shall be styled "State Revenue and Taxation Commission."

Section 2. That said Commission shall, within one month after the passage of this Act, meet at the State House in Dover for purposes of organization, at which meeting shall be elected a President and a Secretary out of the number of said Commissioners and such other officers as said Commissioners shall deem necessary. It shall be the duty of said Commission to make full and thorough investigation of the subject of State revenue and taxation. For this purpose said Commission shall have authority to engage counsel learned in the law, and such other assistants as it shall deem advisable. Said Commission shall have authority to make such rules regulat-

OF STATE REVENUE AND TAXATION COMMISSION.

ing its sittings and the carrying on of its investigations and the performance of its duties as it shall deem advisable. Said Commission shall have authority at its discretion to summon witnesses and the President or other presiding officer of said Commission for the time being shall have authority to administer oaths.

Section 3. Said Commission shall, at the next regular or ^{Report of} special session of the General Assembly, make such report or reports and submit such proposed act or acts relating to State revenue and taxation, to such General Assembly, as said Commission or a majority thereof shall deem proper, and which shall embody the results of the labors and investigations of said Commission. Said Commissioners shall be paid ^{Compensation} their actual expenses while serving upon said Commission ^{of} and a compensation of five dollars per diem for each day on which said Commission shall sit for the performance of its duties.

Section 4. For the payment of the compensation of said ^{\$1500 appropri-} Commissioners, their counsel and assistants and all other ex- ^{ated for use of} ^{said Commis-} ^{sion} penses of said Commission, the sum of fifteen hundred dollars is hereby appropriated and the State Treasurer is hereby authorized to pay, from time to time, out of said appropriation, ^{Warrants for} orders on account of such expenditures, signed by the Presi- ^{funds how} ^{drawn} dent and Secretary of said Commission and approved by the Governor.

Approved March 29, A. D. 1907.

OF BOARD OF IMMIGRATION.

CHAPTER 116.

OF BOARD OF IMMIGRATION.

AN ACT for the Encouragement of Immigration, and to Foster the Agricultural Interest of the State.

Preamble Whereas, the agricultural interests of this State are regarded by this General Assembly as of the greatest importance;

Preamble And Whereas, in order that our uncultivated lands may be properly developed, and it is desirable to have a fixed and permanent establishment of a population corresponding with the capacity of our sparsely populated territory;

Preamble And Whereas, labor necessary for the proper development and carrying on of our agricultural lands in the State, is grossly inadequate and the agricultural interests of Delaware demand an increase of labor to furnish increased facilities to plant and harvest the various crops grown;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Board of Immigration Commissioners Section 1. That the members constituting the State Board of Agriculture, as the said Board is now constituted and as it may be constituted hereafter, be and they are hereby created a Board of Immigration Commissioners of the State of Delaware.

Governor a member Section 2. That the Governor shall also be exofficio member of said Board.

Duties of Section 3. That the duties of said Commissioners shall be;

First. To contract with and appoint an agent or agents in Europe and elsewhere and subject to the methods as their judgment may direct, invite and encourage immigration to this State. Also to contract, in the name of the State, with laborers in foreign countries for the purpose of bringing said laborers to this State for agricultural purposes.

OF BOARD OF IMMIGRATION.

Second. To make contracts with railroads, steamboat lines and other transportation companies, secure a low rate of fare to immigrants, and to make necessary preparations for their reception and temporary accommodation;

Third. To encourage the formation of, and, when requested, advise as to the best measures of establishing local agricultural societies for the procuring of foreign labor, and as far as in their power, supply the wants of such societies, without partiality or favoritism, when made through their proper offices; Provided, always that no expense is incurred by the State.

Section 4. That it shall not be lawful, under penalty of forfeiture of Commission, for said Commissioners to receive any commission or any compensation, directly or indirectly, for the performance of the duties hereinbefore enumerated other than that allowed under the provisions of this Act; provided always that said Commissioners are not hereby prohibited from inviting the co-operation of transportation Companies in furtherance of the purposes of this Act, and accepting such courtesies and facilities as they may tender them.

Commission prohibited from receiving any compensation other than salary

Section 5. That said Commissioners shall, annually, on or before the second Tuesday of December, settle with the State Auditor and make a full report to the Governor, to be by him laid before the legislature at its biennial sessions.

Settlement with State Auditor

Section 6. That the sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated for the purpose of carrying out the provisions of this Act, two hundred dollars of which shall be equally divided among said Commissioners as compensation for services performed under the provisions of this Act; and the Governor is hereby authorized, at his discretion, to issue his warrant on the State Treasurer for the sum hereby appropriated, or so much thereof as shall be necessary, from time to time.

Appropriation for

Compensation of Commission

Paid by warrant of Governor

Section 7. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved April 4, A. D. 1907.

OF THE BOARD OF STATE SUPPLIES.

CHAPTER 117.

OF THE BOARD OF STATE SUPPLIES.

AN ACT to Amend Chapter 82, Volume 23, Laws of Delaware, entitled "An Act Regulating the Furnishing of Supplies for the State," Defining the Character of Advertisements for Proposals for Supplies and when such Advertisements may be omitted.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 82,
Volume 23,
amended

Character of
advertisements
for supplies,
&c.

Section 1. That Section 3 of Chapter 82, Volume 23, Laws of Delaware, entitled "An Act regulating the furnishing of supplies for the State," be amended by striking out all words after the word "necessary" in the sixth line thereof and before the word "every" in the twelfth line thereof, and insert in lieu thereof, the words: The advertisements shall state the name of all state officers for whom supplies are to be furnished and that the specification for such supplies may be procured from the Secretary of State, which specifications shall designate the nature, kind, quality, quantity and amount of such supplies; and said advertisements shall also state the time and place when and where said proposals will be opened, which shall be done by said Board of State Supplies in public in the presence of the persons making the bids or their representatives.

When advertisement may
be omitted

Section 2. That Section 3 of Chapter 82, Volume 23, Laws of Delaware, entitled "An Act regulating the furnishing of supplies for the State," by adding after the word "Court" in the last line of said Section 3 of said Act the following: That the Board of State Supplies are authorized to ask for bids from all bidders for supplies of like nature made at the June submission for any and all supplies needed by any officer or State Department, which by inadvertance was not included in the requisition made in March preceding, or which for any cause has become necessary for the proper conduct of the duties of any such officer or State Department.

Approved March 9, A. D. 1907.

OF STENOGRAPHER AND TYPEWRITER.

CHAPTER 118.

OF STENOGRAPHER AND TYPEWRITER.

AN ACT to Provide for a Stenographer and Typewriter for the Governor and Secretary of State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor and Secretary of State be and they are hereby authorized and empowered to employ Stenographer and Typewriter, at an annual salary of Nine hundred dollars, to be paid by the State Treasurer in equal quarterly installments.

Section 2. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved February 25, A. D. 1907.

OF STENOGRAPHER AND TYPEWRITER.

CHAPTER 119.

OF STENOGRAPHER AND TYPEWRITER.

AN ACT to Amend Section 2, Chapter 76, Volume 23, Laws of Delaware, entitled "An Act Providing a Stenographer for the Court of Chancery," approved March 23, 1905.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Chapter 76,
Volume 23,
amended

Increasing
salary of Steno-
grapher for
Chancellor

Section 1. That Section 2 of the Act entitled "An Act providing a stenographer for the Court of Chancery", being Chapter 76, Volume 23, Laws of Delaware, be and the same is hereby amended by striking out the word "six" in the third line of the second paragraph of Section 2, between the word "exceeding" in the second line of said paragraph and the word "hundred" in the third line of said paragraph and inserting in lieu thereof the word "twelve".

Approved March 4, A. D. 1907.

OF ROAD COMMISSIONERS.

CHAPTER 120.

OF ROAD COMMISSIONERS.

AN ACT Authorising the Road Commissioners of White Clay Creek Hundred, in New Castle County, to Fund the Floating Debt and Secure the Payment thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Whereas, The Road Commissioners of White Clay Creek ^{Preamble} Hundred in New Castle County have a floating debt of long standing amounting to two thousand dollars, for the payment of which there is no adequate method provided,

And Whereas, It is proper that provision should be made ^{Preamble} for the payment thereof; therefore

Be it enacted by the authority aforesaid, as follows :

Section 1. That the said Road Commissioners be and they are hereby authorized to borrow in the names of the Road Commissioners of White Clay Creek Hundred, the sum of Two Thousand Dollars for the purpose of paying said floating debt. ^{Road Commissioners of White Clay Creek hundred authorized to borrow money}

Section 2. That the said Road Commissioners be and they are hereby authorized to issue ten bonds to secure the repayment of the said loan as follows: Each of said bonds shall be of the denomination of two hundred dollars, and be numbered from one to ten, inclusive, and shall bear interest from their date at the best rate which can be obtained by the said Commissioners not exceeding four per centum per annum, payable semi-annually. Said bonds shall be due and payable as follows:— ^{To issue bonds to secure repayment of loan}

The first thereof on the first day of January A. D. 1908, and one of said bonds to become due and payable on the first day of January each and every year thereafter. ^{Bonds, when payable}

Section 3. That the principal and interest of said bonds shall be paid out of the road taxes of said Hundred, but in no ^{How paid}

OF ROAD COMMISSIONERS.

Limit of rate of taxation case whatsoever shall the rate of road tax or taxes be more than thirty-five cents on the one hundred dollars.

Commissioners to negotiate sale of bonds, &c Section 4. That for the purpose of negotiating said bonds Samuel J. Wright and Charles B. Evans are hereby appointed Special Commissioners to procure and have prepared the said bonds; to see that the same are properly executed by the said Road Commissioners; to make sale thereof, and to receive and apply the money obtained therefor to the payment of the said floating debt. Nothing contained in this Act shall authorize the said Special Commissioners to pay to the said Road Commissioners, directly or indirectly, any of the amount received from the sale of the said bonds until said floating debt is fully paid with interest due thereon. Any balance left after such payments shall be paid to the County Treasurer, who shall hold the same and apply it to the payment of the first bond or bonds falling due.

Duty of Commissioners

Commissioners to give bond Section 5. The said Special Commissioners, before performing any of the duties by this Act imposed, shall give bond unto the State of Delaware in the penal sum of four thousand dollars conditioned for the faithful performance of the duties by this Act imposed upon them, which said bond shall be approved by one of the judges of the Superior Court of the State of Delaware, and thereafter be and remain filed with the County Treasurer and shall be proceeded on at the instance of the Levy Court, upon the breach of the condition thereof.

Approval thereof

Bonds, by whom paid Section 6. That the said bonds shall be paid, principal and interest, when and as they severally fall due and become payable, by the County Treasurer, and the amounts so paid by him shall be deducted by him from the amount of road taxes of the said Hundred received by him.

Compensation of Commissioners Section 7. That the sum of Fifty Dollars shall be paid to Samuel J. Wright and a like sum to Charles B. Evans by the Road Commissioners of said Hundred upon the completion of the duties required of them by this Act.

Commissioners not prohibited borrowing money temporarily Section 8. Nothing in this Act shall be construed so as to prevent the said Commissioners from borrowing money temporarily in anticipation of each years taxes, but in no case in excess of said taxes.

Approved February 14, A. D. 1907.

TITLE SIXTH.

Religion, Public Education and Health.

CHAPTER 121.

OF FREE SCHOOLS.

AN ACT to Compel the Attendance of Children at the Public Schools of the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That following the approval of this Act every parent, guardian or other person in this State having control of a child or children between the ages of seven and fourteen years shall be required to send such child or children to a day school, in which the common English branches are taught; and such child or children shall attend such school continuously for at least five months each year during the time in which the public school in their respective districts shall be in session, beginning not less than one month after the opening of said school, unless such child or children shall be excused from attendance by a majority of the Commissioners of the School District in which the parent, guardian or other person resides, upon the presentation to said Commissioners of satisfactory evidence showing such child or children are prevented from attendance upon school or application to study by mental, physical or other urgent reasons, and such excuse must be countersigned by the County Superintendent of the County

Children between 7 and 14 years to attend school at least 5 months annually

Exceptions

OF FREE SCHOOLS.

in which such District is located; but the urgent reasons shall be strictly construed and shall not permit of irregular attendance.

School District may reduce compulsory period to 3 months

Provided, that each school district shall have power each year at its regular annual meeting to reduce the period of compulsory attendance to not less than three months, in which case the school meeting must at that date fix a time for compulsory attendance to begin, but such date shall not be later than January 2d, of each school year. Provided that in case there be no public school in session within two miles by the nearest traveled road of any person within the school district, he or she shall not be liable to the provisions of this Act, unless a free conveyance is provided.

Applicable only to pupils within 2 miles from school house

Instruction for like period in private school, &c. exempts attendance at public school

Provided, that this Act shall not apply to any child that has been or is being otherwise instructed in English in the common branches of learning for a like period of time in any private school, or by any legally qualified governess or private teacher in a family, or by any other means which shall be approved by the County Superintendent of the proper county.

Private school must report

Provided further, that any principal or teacher of any private school or educational institution shall report non-attendance as provided in Section 5 of this Act. And provided also that the certificate of any principal or teacher of a private school or of any institution for the education of children in which the common English branches are taught, setting forth that the work of said school is in compliance with the provisions of this Act, shall be sufficient and satisfactory evidence thereof, and the principal or teacher of said school or institution shall have the power to excuse any child or children for non-attendance during temporary periods in accordance with the provisions of this Act.

Violation of law a misdemeanor

Section 2. That for every neglect of duty imposed by the first section of this Act, the principal or teacher or person in parental relation, offending, shall be guilty of a misdemeanor, and shall, upon conviction thereof before a justice of the peace, magistrate or alderman, forfeit a fine not exceeding two dollars on first conviction, and a fine not exceeding five dollars for each subsequent conviction, and in default of payment of said fine, the defendant may be committed to the

Penalty

OF FREE SCHOOLS.

county prison for a period not exceeding two days for the first conviction, and for a period not exceeding five days for each subsequent conviction. Provided, upon conviction the defendant or defendants may appeal to the Court of General Sessions of the proper county within fifteen days, upon entering into recognizance with one surety for the amount of fines and costs. Provided, however, that before such action shall be brought for any of the aforesaid penalties, the parent, guardian or other person liable therefor, shall be notified in writing by the County Superintendent of Schools, or such person as he shall designate, of such liability, and shall have opportunity, by compliance with the requirements of this Act within three school days then and thereafter to avoid the imposition of such penalty. The mailing of such notice to the usual address of offending party shall be deemed sufficient under this Act. But after such notice has been given, if the same child is absent from school three days or their equivalent in time during the remaining period of compulsory attendance, without excuse as provided by Section 1 of this Act, the parent, guardian or person in parental relation, shall be liable to prosecution under this Act without further notice.

Appeal to Court
of General
SessionsDuty of Super-
intendent be-
fore prosecu-
tionWhat notice
sufficient

The fines provided for by this Act, shall, when collected, be paid over by the officers collecting the same, to the treasurer or clerk of the school committee or board of the respective districts for the use of the school district in which such person convicted resides, to be applied and accounted for by such treasurer or clerk in the same way as other moneys raised for school purposes; such fines shall be collected by a process of law similar to the collection of other fines.

Fines, to whom
payable

Section 3. Boards of education and school committees may, in all districts, employ one or more persons to be known as "attendance officers" whose duty shall be, in addition to the duties provided elsewhere in this Act, to look after, apprehend and arrest without warrant, truants and others who fail to attend school in accordance with the provisions of this Act. When an attendance officer arrests or apprehends any truant or other person, as herein set forth, he shall have power immediately to place him or her in the school in which he or she is or should be enrolled, or at the expense of the parent, guardian or person in parental relation, in such private school

Attendance
officers

Duties of

OF FREE SCHOOLS.

as provided by Section 1 of this Act, as the parent, guardian or person in parental relation may select. And in case the parent, guardian or person in parental relation shall refuse or neglect immediately to select such school, the school commissioners or secretary for school commissioners shall have full power to designate the school in which the child shall be placed.

Compensation
of

The persons serving as such attendance officers, shall be entitled to such compensation as shall be fixed by the Boards appointing them, and such compensation may be paid out of the school funds. But the sums paid for such services must be approved by the Superintendent of Schools of the County. In case no truant officer be appointed, the secretary or clerk of the local school commissioners shall serve as such officer.

Districts may
establish special
truant
schools

Commissioners of any school district or districts or of two or more districts jointly, may establish special schools for children who are habitual truants or who are insubordinate or disorderly during their attendance upon instruction in the public schools, and may provide for the proper care, maintenance and instruction of such children in such schools for such period of time as the Board may prescribe. But before the pupil shall be placed in such special school, the parent, guardian or person in parental relation shall have opportunity to be heard.

Incorrigible
truants may
be confined in
Ferris Reform
School

All truancy and incorrigibility shall be deemed disorderly conduct, and in case no special school, as herein prescribed has been established, the County Superintendent of Schools, or secretary or attendance officer, as the County Superintendent shall designate, shall proceed against such truant or incorrigible pupil as a disorderly person before a justice of the peace, magistrate or alderman, and upon conviction, the pupil may be sentenced for a definite time to the Ferris Reform School. The State Treasurer shall pay to the authorities of the said school, the sum of forty cents per day, from money not otherwise appropriated, for each day such pupil is confined in said institution.

Pay for such
pupils

Duty of
Assessors

Section 4. That it shall be the duty of the assessors when making each assessment of property for taxation for school purposes, when not notified and directed to the contrary by

OF FREE SCHOOLS.

the school commissioners, to make in a substantial book, provided by the County Superintendent of Schools at the expense of the State for that purpose, a careful and correct list of all children between the ages of seven and fourteen years within his district, giving the full name, date of birth, age, sex, race, estimated distance from school-house by nearest traveled road, name and address of parent, guardian or person in parental relation; which enumeration, after approval by the secretary of the said school district, shall be sent by the assessor to the County Superintendent of Schools of the County in which the enumeration is made. And the receipt of the County Superintendent of Schools shall entitle the aforementioned assessor, to a fee of one dollar for each one hundred names or fraction thereof, of children on such list; said sum to be paid from the school funds of the district in which such enumeration shall have been made.

List of children between 7 and 14 years

Fees of Assessors

It shall be the duty of the said County Superintendent of Schools to forward to the principal teacher of the proper school district prior to September 15th in each year, a list of all children in his or her district who are subject to the provisions of this Act.

County Superintendent to send list of children to teacher of district

Provided further, that the attendance officer, if there be any, or the County Superintendent of Schools or the Secretary or clerk of the school commissioners, or principal teacher, shall have authority to make any additions or corrections to the assessor's list aforesaid for the purpose of carrying into effect the provisions of this Act.

School officers may add or correct list

Section 5. That it shall be the duty of each teacher of the school district at the close of each school month, to report to the attendance officer, and to the County Superintendent of Schools, the names of all children in the district who have been absent without lawful excuse; when, if it shall appear that any parent, guardian or other person having control of any child or children shall have failed to comply with the provisions of this Act, after notification in writing as provided in Section 2, the County Superintendent, or such attendance officer as he shall direct, shall proceed in the name of the State under authority of the commissioners of the local district affected, against the offending party or parties in accordance with the provisions of this Act.

Report of teacher to Attendance Officer and County Superintendent

OF FREE SCHOOLS.

Costs, how
paid

Provided further, that if sufficient cause be shown for a failure to comply with the provisions of this Act, or if the costs of prosecution cannot be collected from the defendant in case of his or her conviction, said costs shall be paid out of the school funds, upon a proper voucher approved by the commissioners of said district.

Violation of
act a misde-
meanor

Section 6. That the assessor of school taxes, principal, teacher, secretary or attendance officer if there be one, of any Board of Commissioners, who willfully neglects or refuses to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof before an alderman, magistrate or justice of the peace, shall forfeit or pay a fine not exceeding twenty-five dollars, subject to the right of appeal to the Court of General Sessions of the proper county within fifteen days upon entering into recognizance with one surety for the amount of fines and costs.

Penalty

State Treasur-
er, duty of as
to school
dividend

Section 7. That the State Treasurer of Delaware shall withhold one-fourth the State dividend from any school district or districts which neglects or refuses to enforce the provisions of this Act in a manner satisfactory to the County Superintendent of Schools of the county in which such school shall be located.

Expenses of
enforcement
of act, how
paid

Section 8. That the necessary expenses incurred by State officials in carrying out and enforcing the provisions of this Act shall, upon approval by the State Board of Education, be paid by the State Treasurer.

Superintend-
ent of Schools
of Wilmington
same power
of County Su-
perintendent

Section 9. That in enforcing the provisions of this Act within the limits of the school district of the City of Wilmington, the powers and duties herein conferred upon the County Superintendents of Schools are hereby conferred upon the Superintendent of Schools of the City of Wilmington.

Approved March 15, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 122.

OF FREE SCHOOLS.

AN ACT Prescribing the Method by which the School Districts of this State may Borrow Money for the Purpose of Building and Furnishing or Improving and Enlarging School Houses.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That in order that the Board of Education or School Committee of any school district in this State, single, united, consolidated or incorporated, may borrow money for the building and furnishing of new school houses, or the repairing, remodelling, or enlarging and furnishing of school houses already erected, they and each of them are severally authorized, directed and empowered to borrow money on the faith of their respective districts, and to provide for the payment of the same as hereinafter set forth.

School Districts may borrow money for building, &c

Section 2. At any time when ten or more freehold tax-ables of any of the aforesaid school districts in this State shall present a written petition to the Board of Education or School Committee of the district in which the said petitioners reside, setting forth the necessity of a new school house for said district, or of the repairing, remodelling, or enlarging and furnishing of the school house already erected in said district, and naming in said petition the amount of money necessary therefor, and praying that a special election be called that the voters of said school district may vote upon the proposition, it shall be the duty of said Board or committee forthwith to issue a call for a special election to be held at which the question of borrowing money for the purposes aforesaid shall be voted upon.

Procedure to secure special election to determine whether or not to borrow

Notices of the election aforesaid shall be posted in at least ten public places in the district affected for at least ten days prior to the date fixed for such election. In case the proposal to borrow money shall not be approved by the majority of the votes cast at such special election, the Commissioners

Notice of election aforesaid

OF FREE SCHOOLS.

When secured election may be called of said district shall, on the further application of ten or more freehold taxables as aforesaid, call another election with the same notices as aforesaid; provided twelve months shall have elapsed since any preceding election for the purpose was held.

Qualification of electors Section 3. At every election held under the provisions of this Act each person who would have had a right to vote at the regular school election of the district, next preceding such special election, and also every female resident seized of an estate of freehold situated in said district, shall have a right to cast one vote for every dollar and fractional part of a dollar of school tax assessed for the year in which such election is held, against him or her respectively. At every election held under the provisions of this Act, the voting upon the question aforesaid, shall be by ballot upon which shall be written or printed either the words "For Better School Houses" or the words "Against Better School Houses."

Form of ballots

When bonds must be issued Section 4. In case a majority of the ballots cast at any such election held under the provisions of this Act, shall be "For Better School Houses", the Board of Education or School Committee of said district shall, as soon as practicable thereafter issue and sell the bond or bonds of the district for such amount or amounts and in such denomination or denominations as they shall deem proper, provided that the aggregate of said bonds shall not exceed the sum named in the petition for the special election as aforesaid; such bond or bonds shall be known as "Bonds of School District No. in County, Delaware" inserting the number of the school district or the incorporated name of said district as the case may be, and of the county in which such district is situated. Their form, their date, the time of their interest payments and of their maturity, the place of their payment and their rate of interest not exceeding six per centum per annum, shall be as prescribed by the said Board of Education or School Committee. They shall be signed by the president of said Board or by the senior member of the School Committee, and shall be attested by the secretary or clerk thereof. If the school district have a corporate seal, said seal shall be affixed to said bond, but if the district have no seal, then the usual seal being the word "seal" with a scroll around it appearing upon said bond, shall be deemed

Bonds, form, conditions, &c

How signed

OF FREE SCHOOLS.

and taken to be the corporate seal of the district. If the Board of Education or School Committee shall deem it proper a mortgage may also be given for the sum to be borrowed as aforesaid, and said mortgage may cover any of the real property belonging to said district. The foregoing provisions as to bonds to be issued under this Act relative to their form, date, time and place of interest payments, and of maturity, rate of interest, and the mode or manner of their execution, shall apply with respect to any mortgage which may be given under the provisions of this section. The faith and credit of the district shall be deemed to be pledged by the execution and delivery of any bonds or mortgages under the provisions of this Act. The Board of Education or School Committee of the district is authorized and directed in each year after any sum of money has been borrowed as aforesaid, and until the full payment of the sum or sums so borrowed with interest, to provide for the payment of interest on the indebtedness and for the establishment of a sinking fund to pay the principal thereof, by fixing and levying a tax sufficient for this purpose.

Mortgage may be made instead of issuing bonds

Same conditions as to mortgage as of bond issue

District to provide by taxation for interest and provide for sinking fund

The tax levied and collected for the interest and sinking fund as aforesaid, shall be levied and collected as other school taxes in the district, and shall be in addition to the amount which the school district is authorized to raise by taxation for other purposes.

Such tax to be levied and collected as other tax

Section 5. This Act shall be deemed and taken to be a public Act.

Approved April 4, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 123.

OF FREE SCHOOLS.

AN ACT Authorizing the County School Commissions to Alter, Divide, Consolidate or Unite School Districts for Colored People.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Colored School Districts may be altered, &c, by County School Commissioners

Section 1. That the County School Commissions of the respective counties of this State be and the same are hereby authorized and empowered to alter, divide, consolidate or unite the School Districts for colored people whenever said School Commissions shall deem such action for the best interests of the colored pupils in said districts.

Approved March 29, A. D. 1907.

CHAPTER 124.

OF FREE SCHOOLS.

AN ACT Pertaining to the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Constitution to be taught in schools

Section 1. That the Constitution of this State shall be taught and explained to the scholars in each and every one of the public schools of this State.

It shall be the duty of the several School Commissioners or Boards having control of said schools to see that the provisions of this Act are complied with.

Approved April 9, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 125.

OF FREE SCHOOLS.

AN ACT to Amend Chapter 92, Volume 23, Laws of Delaware, entitled "An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington," Passed at Dover, March 30, A. D. 1905.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

Section 1. That Chapter 92, Volume 23, of the laws of Delaware, entitled "An Act to provide for the organization and control of the Public Schools of the City of Wilmington," be and the same is hereby amended by striking out all after the word "not" in the twenty-third line of Section 11 of said act, down to and including the word "preceding," in the twenty-seventh line of said section of said act, and inserting in lieu thereof the following words: "be less than One hundred and eighty-eight thousand dollars for the fiscal year 1907-8, and the increase for any succeeding fiscal year shall not be less than two per cent. additional upon the aggregate amount for the fiscal year preceding, provided, further, however, that in the event that The Council, at any time, shall make an appropriation in excess of the minimum appropriation or percentage of increase as hereinbefore provided, the said Council shall have the power and authority to designate what proportion, if any, of the increase so appropriated over and above the before mentioned minimum, shall be used for the purpose of adjusting, equalizing and increasing the salaries of teachers employed by said Board, and so much of said fund so designated by The Council shall thereupon be used for no other purpose than to adjust, equalize and increase such salaries of teachers."

Chapter 92,
Volume 23,
amended

Limit of appro-
priation for
school purposes

Council may
designate pro-
portion to be
used in in-
creased teach-
ers' salaries

Approved March 1, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 126.

OF FREE SCHOOLS.

AN ACT to amend Chapter 93, Volume 23, Laws of Delaware, being "An Act authorizing and empowering 'The Board of Public Education in Wilmington' to issue Bonds covering the Real Estate of said Corporation for the purpose of raising sums of money to be used in erecting, furnishing and equipping new school houses in the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each house concurring herein):

Chapter 93,
Volume 23,
amended

Section 1. That Section 1, Chapter 93, Volume 23, Laws of Delaware, be amended by striking out all of said Section and inserting in lieu thereof a new Section as follows:

Board author-
ized to borrow
money to erect
new school
houses

"Section 1. That 'The Board of Public Education in Wilmington,' be and is hereby authorized and empowered to borrow upon the faith and credit of said 'The Board of Public Education in Wilmington', a sum not exceeding One Hundred and Sixty Thousand Dollars to be expended for the purpose of erecting and equipping new school houses in the City of Wilmington, and for that purpose to issue bonds in denominations of One Thousand Dollars each and bearing such rate of interest not exceeding four and one-half per centum per annum as said "The Board of Public Education in Wilmington" may deem expedient, said bonds to be so arranged as to the time of payment that not more than Twenty Thousand Dollars of the principal sum so borrowed shall become due and payable in any one year; provided, that no part of said principal shall become due and payable until six years from the date of issue of said bonds. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof. Sixty of said bonds may be issued in the year A. D. 1907 and shall be known as "Series A"; Twenty of said bonds may be issued in the year A. D. 1908 and shall be known as "Series B"; Twenty of said bonds may

To issue bonds

Not more than
\$20,000 payable
one year

Bonds not pay-
able within
six years

OF FREE SCHOOLS.

be issued in the year A. D. 1909 and shall be known as "Series C"; Twenty of said bonds may be issued in the year A. D. 1910 and shall be known as "Series D"; Twenty of said bonds may be issued in the year A. D. 1911 and shall be known as "Series E"; and Twenty of said bonds may be issued in the year A. D. 1912 and shall be known as "Series F". None of said bonds shall be issued except by resolution passed by a majority vote of said Board, and then only for the purposes in this Section set forth."

Amounts to be
issued at sun-
dry times

Section 2. That Section 2, Chapter 93, Volume 23, Laws of Delaware, be amended by striking out all of said Section and inserting in lieu thereof a new section as follows:

"Section 3. The payments of the said above mentioned bonds shall be made out of the amount of money which said Board is authorized to expend yearly for new buildings, and when any of said bonds are issued, a corresponding amount of said funds shall be pledged for the payment of said bonds, and when so pledged, it shall be unlawful for the Board of Public Education in Wilmington to use any of the moneys so pledged for any other purpose than for the payment of said Bonds."

Payment of
bonds to be
made out of
certain funds

Approved March 4, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 127.

OF FREE SCHOOLS.

AN ACT Directing Robert M. Burns, County Treasurer of New Castle County to pay to "The Board of Public Education in Wilmington" all Sums Received or to be Received from Colored School Taxes Assessed Against Real Estate in the City of Wilmington for the Years 1902, 1903, 1904 and 1905 and Providing for the Distribution of the same.

Preamble Whereas, colored school taxes were assessed against real estate in the City of Wilmington for the years 1902, 1903, 1904 and 1905 under school laws affecting said City prior to the passage of an Act entitled "An Act to provide for the organization and control of the public school of the City of Wilmington," approved March 30, 1905; and

Preamble Whereas, part of the taxes so assessed have been paid to, and are now in the custody of, the said County Treasurer; and

Preamble Whereas, further amounts of said taxes remaining unpaid will from time to time come into the custody of the said County Treasurer; and

Preamble Whereas, under the Act entitled "An Act to provide for the organization and control of the public schools of the City of Wilmington," approved March 30, 1905, there is no provisions for the distribution of the balance above mentioned, Therefore,—

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Robert M. Burns, County Treasurer of New Castle County, is hereby authorized and directed to pay to "The Board of Public Education in Wilmington" all colored school taxes received as aforesaid and now in his custody, and all such taxes hereafter received, and receipts signed by the Secretary of "The Board of Public Education in Wilmington" shall be full receipts and discharges, to him, therefor.

County Treasurer of New Castle County directed to pay certain taxes to Board of Public Education of Wilmington

OF FREE SCHOOLS.

Section 2. That the said "The Board of Public Education in Wilmington" is hereby authorized and directed to distribute all sums so received for the benefit of the colored schools in the City of Wilmington as in the judgment of said Board will be most beneficial to said schools. Such taxes to be used only for colored schools

Approved March 4, A. D. 1907.

CHAPTER 128.

OF FREE SCHOOLS.

AN ACT Authorizing the Newark Public Schools to Borrow Money and Issue Bonds to Secure the Payment thereof, for the Purpose of Building a new School House.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each branch of the Legislature concurring therein):

Section 1. That "The Newark Public Schools" be and the same are hereby authorized and empowered to borrow a sum of money not exceeding Twelve thousand dollars which shall be applied, appropriated and expended for the purpose of building a new school house in United School Districts Numbers 39, 39½, 41 and 41½, and of furnishing said school house with such sanitary and other improvements as the "Board of Education" of the said "The Newark Public Schools" may deem proper. Newark Public Schools authorized to borrow money

Section 2. That the said "Board of Education" of the said "The Newark Public Schools", for the purpose of carrying into effect the provisions of Section 1 of this Act, shall have power and authority to issue bonds of the denomination of five hundred dollars each, bearing interest at a rate not exceeding four and one-half per centum per annum, payable Authorized to issue bonds

OF FREE SCHOOLS.

semi-annually on the first days of July and January, respectively, in each year at such bank or trust company as the said "Board of Education" of the said "The Newark Public Schools" shall designate. The principal of said bonds shall be made payable in seventeen years from the date of the issue thereof, the said "Board of Education" of the said "The Newark Public Schools" reserving the power and authority of redeeming said bonds, or any part of them, on or after the expiration of five years from the date of the issue of the same. Provided, however, that if the said "Board of Education" of the said "The Newark Public Schools" elect to redeem any of said bonds at the expiration of five years as aforesaid, such election shall be effected on the first days of July or January, and in pursuance of a notice to that effect published by the said "Board of Education" of the said "The Newark Public Schools" in at least four issues of two newspapers, one of which shall be published in the City of Wilmington. In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the redemption thereof, and said bonds, when paid, shall be cancelled. If at any time after the issue of said bonds, and before they are payable or called in, any holder or holders of said bond or bonds shall offer the same for redemption, the said "Board of Education" of the said "The Newark Public Schools" may, if it deem it expedient, redeem and pay, the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of said redemption.

Section 3. That the said "Board of Education" of the said "The Newark Public Schools" shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds which shall be signed by the President of the said "Board of Education" of the said "The Newark Public Schools", and countersigned by its secretary, and shall be sealed with the corporate seal of the corporation, and shall be exempt from all State, County and Municipal taxes. As the said bonds and the coupons thereon are paid the same shall be cancelled in such manner as the said "Board of Education" of the said "The Newark Public Schools" shall direct; and the said "Board of Education" of the said "The Newark Public Schools" shall nego-

Bond, when payable

When redeemable

Notice of redemption of bonds

Order of redemption

When bonds may be earlier redeemed

Preparation, form and conditions of bonds

Cancellation of bonds

OF FREE SCHOOLS.

tiate the sale and delivery of said bonds, and the moneys, the proceeds of said sale, shall be deposited with the Treasurer of said "Board of Education", of the said "The Newark Public Schools" to be used for the purpose of carrying into effect the provisions of this Act. The said Treasurer shall give additional bond, with such surety and for such sum as the said "Board of Education" of the said "The Newark Public Schools" may determine and approve.

Sale of bonds

Treasurer to give additional bond

Section 4. That the said "Board of Education" of the said "The Newark Public Schools" is hereby authorized, empowered and required to levy and collect annually an additional tax, at the same time that the taxes are levied for other school purposes in said United Districts numbers 39, 39½, 41 and 41½, and which shall be sufficient to pay the interest on said bonds. That the said "Board of Education" of the said "The Newark Public Schools" is further authorized and empowered to levy a further additional tax for the purpose of establishing a sinking fund adequate to the redemption, at or before maturity, as provided in this Act, of all the bonds which may be issued under the provisions of this Act; provided, that the amount to be raised for the purpose of such sinking fund shall not exceed the sum of one thousand dollars in any one year. The additional taxes provided for in this Section shall be collected in the same manner as the other taxes levied by said "Board of Education" of the said "The Newark Public Schools", and shall be levied on the regular annual assessment. The sinking fund provided for by this Act shall be deposited in any bank or trust company in New Castle County.

Authorized to levy additional tax to pay interest

Tax for Sinking Fund

Limit of tax per annum for Sinking Fund

Sinking Fund when deposited

Section 5. That before the provisions of this Act shall become effective, the borrowing of a sum of money not exceeding twelve thousand dollars, as aforesaid, shall be submitted to and approved by a majority of the votes cast by the qualified voters of said United School Districts numbers 39, 39½, 41 and 41½ at a special election which the said "Board of Education" of the said "The Newark Public School" is authorized to call within thirty days after the approval of this Act by the Governor. The said Election shall be called by the said "Board of Education" of the said "The Newark Public Schools" and shall be held and certified to in the same

Before money borrowed Electors of district must approve at special election

OF FREE SCHOOLS.

Qualification
of electors

manner as the election of the member of the "Board of Education". "Provided, that at said election every person who pays a school tax shall be entitled to cast one vote for each and every dollar, or fractional part thereof, of school tax paid by such person during the present school year."

Faith and
credit of dis-
trict pledged

Section 6. That the faith and credit of the said United School Districts numbers 39, 39½, 41 and 41½, are hereby pledged for the payment of the bonds authorized to be issued under this Act.

Approved March 9, A. D. 1907.

CHAPTER 129.

OF FREE SCHOOLS.

AN ACT Fixing the time for Holding School Meetings in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Stated meet-
ing in Kent
Co. to be held
first Saturday
in June

Section 1. A stated meeting of the school voters of each district in Kent County exclusive of those held in incorporated districts, whose respective charters fix the time for holding their school meetings, shall be held on the first Saturday in June of each year at two o'clock in the afternoon.

Section 2. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved February 25, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 130.

OF FREE SCHOOLS.

AN ACT Authorizing Commissioners of School District No. 14 in Kent County, to Borrow Money for the Purpose of Building a new School House and Furnishing the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Commissioners of School District No. 14 in Kent County, or their successors in office, are hereby authorized and empowered to borrow, upon such terms and conditions as, in their discretion, they may think best, a sum of money not to exceed Five Hundred Dollars, at a rate of interest not exceeding five per centum per annum, to be used with the money already in hand, for the purpose of erecting and constructing a suitable school building on the lot of ground now owned by said district, and fully to complete and furnish the same, and to secure the payment of said money, with interest, in annual installments of One Hundred Dollars each, said Commissioners to execute a bond and mortgage, or either, to secure the payment of the money so borrowed, which shall be a lien on the school property only.

School District No. 14 authorized to borrow money to build School House

Section 2. That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly until the indebtedness is cancelled (in addition to the tax for carrying on the school directed to be levied at the State meeting) such sum of money as shall be necessary to meet said annual payments and interest, and pay the same according to the conditions upon which said sum of not more than Five Hundred Dollars shall be borrowed, the same to be levied as other school money is levied in said District.

Money when payable Additional tax authorized

Section 3. That before the provisions of this Act shall go into effect the sum or sums of money proposed to be borrowed under this Act shall be submitted to a vote of the free-

Special election to determine whether or not to borrow money

OF FREE SCHOOLS.

hold taxables of said district and be approved by a majority of the votes cast at a special election which the said Commissioners of School District No. 14, in Kent County, are hereby authorized to call at such time as it shall deem necessary, but in case the proposal to borrow the aforesaid sum of money shall not be approved by the majority of the votes cast at such special election the said Commissioners shall, on the application of ten resident freehold taxables of said district call another election, provided four months shall have elapsed since any preceding election for the purpose was held, and at every such election each freehold taxable within the said district, being a resident thereof shall have a right to cast one vote for every dollar and fractional part of a dollar of tax assessed to him or her respectively; and both male and female shall have a right to vote, in person or by proxy, as they may prefer; provided that he or she shall have paid all taxes heretofore levied and assessed against him or her and producing a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election shall be given by the said Commissioners of School District No. 14, in Kent County by public notice, posted in at least five public places in the said district, at least ten days before the time of such election.

Approved March 14, A. D. 1907.

Second election
when may be
held

Qualification
of electors

Notice of
such election

OF FREE SCHOOLS.

CHAPTER 131.

OF FREE SCHOOLS.

AN ACT to Amend Chapter 354 of Volume 22 of the Laws of Delaware, Entitled "An Act to Establish a Board of Education for the Town of Lewes and to Incorporate the Same, and for Other Purposes," by Increasing the Amount of Taxes Authorized to be Raised by Taxation.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Section 1. That Section 1 of Chapter 354, Volume 22, of the Laws of Delaware be and the same is hereby amended by striking out the word "three" in the eighth line of said section and inserting in lieu thereof the word "four".

Chapter 354,
Vol. 22 amend-
ed increasing
amount of tax
to be levied

Approved March 9, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 132.

OF FREE SCHOOLS.

AN ACT to Enable the Commissioners of United School Districts Numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, to Refund its Debts by Borrowing Money and Issuing Bonds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Milton Schools
authorized to
refund debt

Section 1. That the Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, be and they are hereby authorized and empowered to borrow on the first day of March A. D. 1907 the sum of Five Thousand Four hundred dollars (\$5400.) which shall be applied, appropriated and expended for the purpose of paying and redeeming the bonds of the commissioners of the public school of the Town of Milton and vicinity, of the County of Sussex and State of Delaware, issued pursuant to the provisions of Chapter 606, Volume 19, Laws of Delaware.

Bonds, when
payable

Section 2. That the said the Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, for the purpose of carrying into effect the provisions of this Act, shall have full power and authority, and are hereby expressly directed to issue bonds of the Commissioners of United School Districts numbered 8, 12, 93, 153, 160, at Milton, Sussex County and State of Delaware of such denominations as they shall deem best, bearing interest at a rate not exceeding four per centum per annum, payable annually on the first day of September in each year at the Sussex Trust Title and Safe Deposit Company at Milton. The principal of such bonds shall be made payable in ten years from the date of the issue thereof, the said Commissioners of United School Districts numbered 8, 12, 93, 153 and 160 at Milton, Sussex County and State of Delaware, reserving to themselves the power and authority of redeeming the said bonds or any part of them, at the expira-

Rate of interest

OF FREE SCHOOLS.

tion of one year from the date of the issue of the same. Provided however, that if the said Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, elect to redeem any of said bonds at the expiration of one year as aforesaid such election shall be effected on the first day of September and in pursuance of a notice to that effect published by said Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, for the space of thirty days in two newspapers published in Sussex County. In calling said bonds for redemption they shall be called consecutively, commencing with the lowest number; the interest on all bonds so called shall cease from the date of the payment thereof, and said bonds when paid shall be cancelled.

Period of redemption
Provided

Notice of redemption to be published

Order of redemption

Section 3. That the said Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the president of the said Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, and countersigned by the Secretary and shall be sealed with the corporate seal of said Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, and shall be exempt from all state, county and municipal taxation; as the said bonds and coupons are paid the same shall be cancelled in such manner as the said Commissioners of United School Districts numbered 8, 12, 93, 153 and 160, at Milton, Sussex County and State of Delaware, shall direct.

Commissioners to prepare bonds

How executed

Bonds exempt from taxation

Cancellation of

Section 4. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved February 18, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 133.

OF FREE SCHOOLS.

AN ACT Authorizing the Commissioners of School Districts Numbers 111 and 226, Sussex County to Borrow Money for the Purpose of Building and Furnishing a new School House at Rehoboth, Sussex County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

School Districts
Nos. 111 and
226 Sussex Co.
authorized to
borrow money
to build School
House

Section 1. That the school Commissioners of School Districts Nos. 111 and 226, Sussex County or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best, the sum of five thousand dollars or so much thereof as may be necessary, for the purpose of erecting and furnishing a new school house for the said districts and to secure the payment of the same with interest in annual installments of two hundred dollars each.

Additional tax
authorized

Section 2. That the said Commissioners and their successors in office are hereby authorized and directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payments and pay the same, according to the conditions upon which the said sum of five thousand dollars (or so much thereof as was necessary) was borrowed, the same to be levied as other school money is levied in said districts.

Sale of old
School House
authorized

Section 3. That the said Commissioners are authorized to dispose of the old school house in said districts to the best advantage in their judgment and apply the proceeds to the building fund and may select and buy a new site for the erection of the above named new school building.

Funds in hand
may be applied
to building
fund

Section 4. That the said Commissioners may apply whatever money is now in hand or may accumulate above what is necessary to meet current expenses of the school to the building fund.

OF FREE SCHOOLS.

Section 5. That the money borrowed under the authority of Section 1, of this Act shall be expended by the authority and under the supervision of the Commissioners of the said districts, who shall present their accounts together with their vouchers to the voters of said Districts at the annual meeting of said voters for settlement.

Funds to be
expended by
Commissioners

Accounts to be
audited at
annual meet-
ing

Section 6. That the provisions of this Act shall not be effective, unless approved by a majority of the taxables of the aforesaid districts at a special election to be called by the said Commissioners of said School Districts Nos. 111 and 226 of Sussex County for that purpose and to be held April twentieth, A. D. nineteen hundred and seven at one o'clock in the afternoon. The notice for said special election shall be signed by the President of said Board of Commissioners and attested by the Secretary and posted in six public places in said Districts, thirty days before the date of the election.

Special elec-
tion to deter-
mine whether
or not to bond

Notice of
election

Approved March 13, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 134.

OF FREE SCHOOLS.

AN ACT Authorizing the Commissioners of School Districts Numbers 32 and 108, Sussex County to Borrow Money for the Purpose of Building and Furnishing a new School House at Selbyville, Sussex County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School Districts
Nos. 32 and 108
Sussex Co. au-
thorized to
borrow money
to build
School House

Section 1. That the School Commissioners of School Districts Nos. 32 and 108, Sussex County, or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best, the sum of three thousand dollars or so much thereof as may be necessary, for the purpose of erecting and furnishing a new school house for said districts and to secure the payment of the same with interest in annual installments of two hundred and fifty dollars each.

Additional tax
authorized

Section 2. That the said Commissioners and their successors in office are hereby authorized and directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payments and pay the same, according to the conditions upon which the said sum of three thousand dollars (or so much thereof as was necessary) was borrowed, the same to be levied as other school money is levied in said Districts.

Old School
House directed
to be sold

Section 3. That the said Commissioners are authorized to dispose of the old school house in said Districts to the best advantage in their judgment and apply the proceeds to the building fund, and may select and buy a new site for the erection of the above named new school building.

Accumulated
funds may be
added to build-
ing fund

Section 4. That the said Commissioners may apply whatever money is now in hand or may accumulate above what is necessary to meet the current expenses of the school to the building fund.

OF FREE SCHOOLS.

Section 5. That the money borrowed under the authority of Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said districts who shall present their accounts, together with their vouchers, to the voters of said districts at the next annual meeting of said voters for settlement.

Funds to be expended by Commissioners

Accounts audited at annual meeting

Section 6. That before the provision of this Act shall go into effect the sum or sums of money proposed to be borrowed or raised under this Act shall be submitted to a vote of the taxables of the said school districts, Nos. 32 and 108, and be approved by a majority of the votes cast at a special election which the said Commissioners of said school districts are hereby authorized to call at such time as they shall deem necessary, but in case the proposal to borrow the aforesaid sum of money shall not be approved by the majority of the votes cast at such special election, the said Commissioners shall, on the application of ten resident taxable freeholders of said districts, call another election, provided one month shall have elapsed since any preceding election for the purpose was held, and at every such election each taxable both male and female within the said districts being a resident thereof shall have a right to cast one vote in person provided, that he or she shall have paid all taxes for school purposes heretofore levied and assessed against him or her and producing a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election shall be given by the Secretary of the Board of Commissioners for said school districts Nos. 32 and 108, by public notice, posted in at least five public places in said districts, at least ten days before the time of such election.

Special election to determine whether or not to bond

Second election when to be held

Qualification of electors

Notice of election

Section 7. All acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 29, A. D. 1907.

OF FREE SCHOOLS.

CHAPTER 135.

OF FREE SCHOOLS.

AN ACT Authorizing the Commissioners of School District No. 181 in Sussex County to Borrow Money for the Purpose of Building a School House and Furnishing same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

School District
No. 181 Sussex
Co. authorized
to borrow money
to build
School House

Section 1. That the Commissioners of School District No. 181 in Sussex County or their successors in office are hereby authorized, empowered and directed to borrow such a sum or sums of money as in their discretion they may deem necessary not exceeding in the aggregate the sum of Two Thousand Dollars for the purpose of building a school house in said School District No. 181 in Sussex County fully to complete and furnish the same for school purposes, to issue **for that purpose** certificates of indebtedness of such denomination or amounts in such form and bearing such rate of interest not exceeding six per cent, as the said Commissioners may deem expedient and proper. The said certificates of indebtedness shall be due and payable in the following proportion and manner, that is to say One Hundred dollars shall be due on or before the expiration of one year from the dates thereof, and one Hundred Dollars shall be due on or before the expiration of each succeeding year, so that the entire sum borrowed shall be paid and satisfied in twenty years from the dates of the said certificates of indebtedness. The interest on said moneys borrowed shall paid annually.

Bonds to be
issued

When payable

Additional tax
authorized

Section 2. That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment and pay the same to the person or persons who hold said certificates of indebtedness, said sum to be levied and collected as other school money is levied in said district.

OF FREE SCHOOLS.

Section 3. That the said Commissioners may apply whatever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school to the building fund. Accumulated funds may be added to building fund

Section 4. That the money borrowed under the authority of Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said District, who shall present their accounts, together with their vouchers to the school voters of said district at the annual meeting of said voters for settlement. Commissioners to expend funds
Accounts audited at annual meeting

Section 5. That before the provisions of this Act shall go into effect the sum or sums of money proposed to be borrowed or raised under this Act shall be submitted to a vote of the taxables, of school district No. 181 in Sussex County and be approved by a majority of the votes cast at a special election which the said Commissioners of School District No. 181 are hereby authorized to call on or before the first day of May A. D. 1907 but in case the proposal to borrow the aforesaid sum of money shall not be approved by the majority of the votes cast at such special election the said commissioners shall, on the application of ten freeholders of said school district No. 181, call another election, provided two months shall have elapsed since any preceding election for the purpose was held, and at every such election each taxable within school district No. 181 in Sussex County being a resident thereof shall have a right to cast one vote for every dollar and fractional part of a dollar of tax assessed to him or her respectively, and both male and female shall have a right to vote in person or by proxy as they may prefer, provided, that he or she shall have paid all taxes heretofore levied and assessed against him or her and producing a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election shall be given by the president of said board, by public notice, posted in at least ten places in said school district No. 181 at least ten days before the time of such election. Special election to determine whether or not to bond.
Second election when to be held
Qualification of electors
Notice of election

Section 6. That this shall be deemed and taken to be a public act and shall be published as such.

Approved March 14, A. D. 1907.

OF REFORM SCHOOLS.

CHAPTER 136.

OF REFORM SCHOOLS.

AN ACT to Amend Chapter 42, Volume 23, Laws of Delaware, Relating to the Pay for the Maintenance of Persons Committed to the Delaware Industrial School for Girls.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members of each House of the General Assembly concurring therein):

Chap. 42, Vol
23 increasing
per diem
charge

Section 1. That Section 1, of Chapter 42, Volume 23, Laws of Delaware be and the same is hereby amended, by striking out the word "twenty" in the fourth line and the word "five" in the fifth line of said Section, and inserting in lieu thereof the word "forty".

Approved March 14, A. D. 1907.

OF REFORM SCHOOLS.

CHAPTER 137.

OF REFORM SCHOOLS.

AN ACT to Further Amend the Act, entitled, "An Act to Incorporate the Ferris Reform School."

Whereas in the Act, entitled "An Act to further amend the Act, entitled "An Act to incorporate the Ferris Reform School" approved March 27, A. D. 1905, being Chapter 119, Vol. 23 of the Laws of Delaware, it was intended in the second section thereof, to authorize the Court of General Sessions of the State of Delaware, in and for Sussex county, to commit boys, under the conditions therein designated, to the Board of Managers of said School, and to direct the County Treasurer of said County to pay to the said School for the maintenance of each boy so committed, at the rate of forty cents per day, and

Whereas, by inadvertance or mistake the words "New Castle" were introduced in said section of said Act, when it was intended that the word "Sussex" should be used therein.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring):

Section 1. That the Act entitled, An Act to Incorporate the Ferris Reform School, passed at Dover, March 10th, A. D. 1885, be and the same is hereby further amended by striking out the words "New Castle" in the fourth line of the second section of the Act, entitled, "An Act to further amend the Act, entitled "An Act to incorporate the Ferris Reform School" approved March 27th, 1905, being Chapter 119, Vol. 23 of the Laws of Delaware, and inserting in lieu thereof the word "Sussex".

Chapter 119,
Volume 23,
amended ren-
dering Sussex
County within
provision of
said act

Section 2. Said Act when so amended shall have the same force and effect as if the word "Sussex" had been used in place of the word "New Castle" in the said Section of the Act hereby amended.

Approved February 25, A. D. 1907.

OF INFECTIOUS DISEASES.

CHAPTER 138.

OF INFECTIOUS DISEASES.

AN ACT to Amend Chapter 451, Volume 20, Laws of Delaware, entitled, "An Act to Amend Chapter Six Hundred and Thirty, Volume Seventeen, Laws of Delaware", passed May 10, 1897, by Providing for the Burial of Animals which Die from Anthrax.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 451,
Volume 20,
amended
enlarging
time to furnish
proof

Section 1. That Chapter 451, Volume 20, Laws of Delaware, entitled "An Act to amend Chapter six hundred and thirty, Volume seventeen, Laws of Delaware," passed May 10, 1897, be and the same is hereby amended by striking out the word "ten" in the seventh line of Section 1 thereof, and inserting in lieu thereof the word "thirty".

Permitting the
burying of
animals under
certain
conditions

Section 2. That Chapter 451, Volume 20, Laws of Delaware, be and the same is hereby further amended by inserting between the words "cremate" and "the" in the sixth line of Section 1 thereof, the following, "or bury in the manner which shall be prescribed by the State Board of Agriculture".

Compensation
when animals
are buried

Section 3. That Chapter 451, Volume 20, Laws of Delaware, be and the same is hereby further amended by adding after the word "dollar" in the thirteenth line of Section 1 thereof, and before the word "provided" in the same line, the following "provided that one-half of the sum hereinbefore mentioned shall be paid to the owner of any domestic animal which has died from anthrax, if said animal be buried in the manner prescribed by the State Board of Agriculture".

Approved March 5, A. D. 1907.

OF MEDICINE AND SURGERY.

CHAPTER 139.

OF MEDICINE AND SURGERY.

AN ACT to amend and add to an Act entitled "An Act Regulating the Practice of Medicine and Surgery in this State," being Chapter 40, Volume 20, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 13, Chapter 40, Volume 20, Laws of Delaware, be and the same hereby is stricken out and the following substituted therefor: "From and after the passage of this Act, any person not heretofore authorized to practice medicine and surgery in this State, and desiring to enter upon such practice, shall deliver to the Secretary of the Medical Council, upon the payment of a fee of Ten Dollars (\$10.), a written application for examination together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a diploma from some reputable literary or scientific college, or a certificate from the faculty of Delaware College, signed by the President and attested by the Secretary thereof, that he or she is qualified to enter the freshman class of the Latin Scientific Course of the said college; and has received a diploma conferring the degree of Doctor of Medicine, from some legally incorporated medical college, which, in the opinion of the Medical Council, was in good standing at the time of the issuing of the said diploma. Applicants who have received their degree in medicine after the passage of this Act, must have pursued the study of medicine for at least four years, including four regular courses of lectures of not less than seven months each, in different years, prior to the granting of said degree, in some legally incorporated medical college or colleges, approved by the Medical Council. Such proof shall be made upon affidavit. Upon the making of said payment and proof, the Medical Council shall issue to said applicant an order for examination before such one of the State Boards of Medical Examiners as the applicant

Chapter 40,
Volume 20,
amended

Qualifications
of candidates
for certificates
to practice
medicine

Examination

OF MEDICINE AND SURGERY.

Second
examination

for certificate may select. In case of failure at any such examination, the candidate, after the expiration of six months and within two years, shall have the privilege of a second examination by the same Board to which application was first made, without the payment of an additional fee, but if after six months and before two years from such examination, said application shall be withdrawn, the said Ten Dollars (\$10.) shall upon demand be returned. Provided that applicants for license who graduated prior to July 1st, A. D. 1901, and have been in continuous and reputable practice for at least five years since graduation, may be admitted to the examinations of one of said Boards, upon certified and satisfactory evidence of good moral character, of three courses of medical lectures in different calendar years, and of a competent academic education according to the requirements of that time; and provided further, that applicants for license who graduated prior to July 1st, A. D. 1896, and have been in continuous and reputable practice for at least ten years, may be admitted to the examination of one of said Boards upon certified and satisfactory evidence of moral character, of two courses of medical lectures, in different calendar years, and of a competent academic education according to the requirements of that time."

Proviso, relating to graduates prior to 1901

Proviso, relating to graduates prior to 1896

Temporary
license

Section 2. That Section 14, Chapter 40. Volume 20, Laws of Delaware, be and the same hereby is amended by adding thereto after the word provided, the following, to wit. "But a temporary license, of not less than two weeks nor more than four months, may be granted to a resident and legally qualified physician of another State to take charge of the practice of a resident and legally qualified physician of this State, during the latter's temporary illness or absence from this State, upon the written request of a physician residing in this State, and the payment to the Secretary of the Medical Council of a fee of two dollars (\$2) for the use of said Council, and when such temporary license is so issued, the physician receiving such license shall have the right to practice medicine in the State of Delaware, for the time specified in said temporary license."

Section 3. That Chapter 40, Volume 20, Laws of Delaware, be and the same hereby is amended by adding thereto,

OF MEDICINE AND SURGERY.

which shall be designated as Section 20 of said Chapter 40, Volume 20, Laws of Delaware, the following, to wit: "For the purposes of this act and the act to which this is an amendment, the words, practice of medicine, or surgery, shall mean to open an office for such purpose, or to announce to the public, or to any individual, in any way, a desire or willingness or readiness to treat the sick or afflicted in any county in the State of Delaware, or to investigate or diagnosticate, or to offer to investigate or diagnosticate any physical or mental ailment, or disease, of any person, or to give surgical assistance, to, or to suggest, recommend, prescribe or direct for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury, or deformity, after having received or with the intent of receiving therefor, either directly or indirectly, any money, gift, or any other form of compensation. It shall also be regarded as practicing medicine within the meaning of this act if any one shall use in connection with his or her name, the words or letters Dr., Doctor, Professor, M. D., M. B. or Healer, or any other title, word, letter or other designation which may imply or designate him or her as a practitioner of medicine, or surgery, in any of its branches; provided that nothing in this act nor the act to which this is an amendment, shall be construed to apply to the administration of domestic or family medicines, or to dentists or dental surgeons in cases of emergency, or to dentists or dental surgeons in the practice of dentistry, or to surgeons of the United States Army or Navy in the discharge of their official duties, or to prevent the mechanical application of glasses provided, that nothing contained in this act shall prevent opticians from preparing eyes for testing or testing eyes and fitting glasses to correct vision, or to prevent druggists practicing pharmacy according to the existing laws, or to prevent the treatment of corns or bunions or the business of manicuring or the practice of massage. The requirements of Section one of this amendment as to general or medical education shall not apply to students now matriculated in medical colleges, but such students shall conform, as to general and medical education, to the requirements of the Statute to which this Act is an amendment."

Practice of
medicine or
surgery
defined

Proviso, excep-
tion use of
domestic or
family
medicines

Dentist
excepted

Surgeons in
U. S. Army
and Navy

Opticians

Pharmacists

OF MEDICINE AND SURGERY.

Osteopathist
may be
licensed

Section 4. That Chapter 40, Volume 20, Laws of Delaware, be and the same hereby is amended by adding thereto, which shall be designated as Section 21 of said Chapter 40, Volume 20, Laws of Delaware, the following, to wit: "Any practitioner of the system, method or science of treating diseases of the human body commonly known as Osteopathy, who is a graduate of any legally chartered and regularly conducted school of Osteopathy which in the opinion of the Medical Council shall be in good standing, who holds a diploma regularly issued from such school, and who has been in personal attendance as a student in such school for at least four terms of not less than five months each before graduation, and who is now located and practicing in this State, is hereby authorized to so practice, without conforming to, and notwithstanding, any provisions of this act, or of the act to which this Act is an amendment, upon such practitioners of Osteopathy paying to the State the State License tax prescribed by law for physicians."

Examination

"That all other persons proposing to practice Osteopathy in this State after the passage of this act shall be subject to the provisions of this act and of the act to which this act is an amendment, provided that such future applicants to practice Osteopathy in this State shall be examined by the Medical Council and some reputable practitioner of Osteopathy in this State, or, if there then shall be no reputable practitioner of Osteopathy then residing in this State, by the Medical Council and some practitioner of Osteopathy from some other State, to be designated by the Medical Council, and provided further that such future applicants to so practice shall be examined only upon such questions as shall be selected by the Medical Council and such selected associated practitioner of Osteopathy in Anatomy, physiology, hygiene, chemistry, obstetrics, pathology, physical diagnosis, histology, gynecology, surgery, urinalysis, and principals of Osteopathy. Any person who is the holder of a diploma regularly issued by any legally chartered and regularly conducted school of Osteopathy, who has been in personal attendance as a student in such school for at least three years for terms of not less than seven months in each year before graduation, and who shall conform to the provisions relative to general education, shall be eligible to such examination by said Medical Council,

OF MEDICINE AND SURGERY.

notwithstanding any of the provisions of this act. Upon successfully passing said examination, the applicant to practice Osteopathy shall be entitled to receive and shall receive from said Medical Council an appropriate certificate entitling him to practice Osteopathy in this State. The Clerk of the Peace of any of the Counties of this State shall, upon the payment of the amount of the State license tax prescribed by law for physicans, issue a license signed by the Governor and countersigned by the Secretary of State with the seal of his office, certifying that such person is authorized to practice Osteopathy in this State, conformably to the laws thereof, to any person who shall present to him such certificate of the Medical Council or to any practioner of Osteopathy now practicing in this State conformably to the provisions of this act.”

License to
Osteopathist

Approved March 25, A. D. 1907.

OF PHARMACY.

CHAPTER 140.

OF PHARMACY.

AN ACT in Relation to the Sale of Drugs and Chemicals in this State, and Providing for a State Board of Pharmacy.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Licensed pharmacist only permitted to compound drugs, &c.

Section 1. It shall be unlawful for any person not licensed as a pharmacist within the meaning of this Act to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business, for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poisons, except as hereinafter provided, or for any person not licensed as a pharmacist, or assistant pharmacist, within the meaning of this Act, to compound, dispense, or sell at retail, any drug, chemicals, poison or pharmaceutical preparation upon the prescription of a physician or otherwise, or to compound physicians' prescriptions, except as an aid to or under the supervision of a person licensed as a pharmacist under this Act. And it shall be unlawful for any owner or manager of a pharmacy, or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell, at retail, any drug, medicine or poison, except as an aid to or under the supervision of a person licensed as a pharmacist or assistant pharmacist.

Owner of pharmacy to permit only licensed pharmacists to compound

Not to apply to Physician or Dentist

Provided, however, that nothing in this section shall be construed to interfere with any legally registered practitioner of medicine or dentistry in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper, nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist, or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the

Nor to wholesale dealer in drugs

OF PHARMACY.

selling at retail of non-poisonous domestic remedies, nor with the sale of patent or proprietary preparations, nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents and the word poison.

Nor to dealer
in non-poison-
ous domestic
remedies, &c.

Section 2. Every person now licensed or registered as a pharmacist or qualified assistant under the laws of this State, shall be entitled to continue in the practice of his profession until the expiration of the term for which his certificate of registration or license was issued, when a renewal may be issued as provided in Section 6 of this Act. Every person who shall hereafter desire to be licensed as a pharmacist or assistant pharmacist shall file with the Secretary of the Board of Pharmacy an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which, and the time spent in the study of the science and art of pharmacy, the experience in the compounding of Physician's prescriptions which the applicant has had under the direction of a legally licensed pharmacist, and shall appear at a time and place designated by the Board of Pharmacy and submit to an examination as to his qualifications for registration as a licensed pharmacist or assistant pharmacist.

Person licensed
not affected
during term
of license

Renewal, how
secured

Application for
license, to
contain what

Examination

Section 3. In order to be licensed as a pharmacist within the meaning of this Act, an applicant shall be not less than twenty-one years of age, and shall have been licensed as an assistant pharmacist for not less than two years prior to his application for license as a pharmacist, and he shall present to the Board satisfactory evidence that he is a graduate of a reputable school or college of pharmacy, or that he has had four years' experience in pharmacy under the instruction of a licensed pharmacist, and he shall also pass a satisfactory examination by or under the direction of the Board of Pharmacy.

Qualifications
of licensee as
pharmacist

In order to be licensed as an assistant pharmacist within the meaning of this Act, an applicant shall be not less than eighteen years of age, shall have a preliminary general education sufficient in the judgment of the Board of Pharmacy, and shall have not less than two years' experience in pharmacy

Assistant
Pharmacist

OF PHARMACY.

under the instruction of a licensed pharmacist, and shall pass a satisfactory examination by or under the direction of the Board of Pharmacy.

Proviso:
attendance at
school may be
deducted from
2 years'
experience

Provided, however, that in the case of persons who have attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may, in the discretion of the Board of Pharmacy, be deducted from the time of experience required of pharmacists and assistant pharmacists, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

License to
Pharmacist
and assistants
entitle licensee
to practice

Section 4. If the applicant for license as a pharmacist or assistant pharmacist has complied with all the requirements of the two preceding sections, the Board of Pharmacy shall enroll his name upon the register of pharmacist or assistant pharmacists, and issue to him a license which shall entitle him to practice as pharmacist or assistant pharmacist for a period of three years from the date of the said license. The Board of Pharmacy may refuse to grant a license to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy; and the Board of Pharmacy may, after due notice and hearing, revoke a license for like cause, or any license which has been procured by fraud.

Certain class
to be refused
license

Appeal from
Board

An appeal from the action of the Board in refusing to grant or in revoking a license for such cause may be taken to the Governor and Attorney General, the decision of which officers, either affirming or over-ruling the action of the Board, shall be final.

To whom
license may be
issued without
examination

Section 5. The Board of Pharmacy may issue licenses to practice as pharmacists or assistant pharmacists in this State, without examination, to such person as have been legally registered or licensed as pharmacists or assistant pharmacists in other States or foreign countries, provided that the applicant for such license shall present satisfactory evidence of qualifications equal to those required from licentiates in this State, and that he was registered or licensed by examination in such other State or foreign country, and that the standard of competence required in such other State or foreign

OF PHARMACY.

country is not lower than that required in this State, and provided also that the Board is satisfied that such other State or foreign country accords similar recognition to the licentiates of this State. Provide

Applicants for license under this Section shall with their application, forward to the Secretary of the Board of Pharmacy the same fees as are required of other candidates for license. License to be exposed in pharmacy

Section 6. Every certificate of license to practice as pharmacist or assistant pharmacist, and every renewal of such license shall be conspicuously exposed in the pharmacy or drug store or place of business at which the pharmacist or assistant pharmacist or other person to whom it is issued is the owner or manager, or in which he is employed.

Every licensed pharmacist or assistant pharmacist who desires to continue in the practice of his profession shall, within thirty days next preceding the expiration of his license, file with the Board an application for the renewal thereof, which application shall be accompanied by the fee hereinafter prescribed. If the Board shall find that the applicant has been legally licensed in this State and is entitled to a renewal of license, it shall issue to him a certificate attesting that fact. Renewal of license

If any pharmacist or assistant pharmacist shall fail, for a period of sixty days after the expiration of his license, to make application to the Board for its renewal, his name shall be erased from the register of licensed pharmacist or assistant pharmacist, and such person in order to again become registered as a licensed pharmacist or assistant pharmacist shall be required to pay the same fee as in the case of the original registration. The name of the responsible manager of every pharmacy, drug store or apothecary shop shall be conspicuously displayed upon the outside of such place of business. When licensed pharmacist may be compelled to take examination

Section 7. The Board of Pharmacy shall consist of five persons licensed as pharmacist and actively engaged in the practice of pharmacy within this State, who shall be appointed by the Governor, and who shall hold their office for five years from the date of their appointment, and until their successor shall have been appointed and qualified. Annually the Delaware Pharmaceutical Society shall submit to the Gov- Responsible member to have name displayed, where

Board to consist of whom
Governor to appoint
Term

OF PHARMACY.

Governor to
appoint from
list submitted

ernor the names of five persons licensed as pharmacists, with-
in this State, and from this number the Governor shall appoint
one member to fill the vacancy annually occurring in the
Board of Pharmacy, and vacancies occurring from any other
cause shall be filled in like manner.

Present Board
to continue
during present
term

The members of the present Board of Pharmacy shall con-
tinue in office until the expiration of their respective terms,
and the vacancies thus occurring shall be filled as previously
designated.

Officers

Section 8. Annually the Board of Pharmacy shall organ-
ize by the election of a president and secretary, both of whom
shall be members of the Board, who shall hold their offices
for one year, and until their successors shall have been elected
and qualified.

The Secretary shall give a bond in such sum as may be
prescribed by the Board, conditioned upon the discharge of
the duties of his office according to law.

Meetings
quarterly

The Board shall hold four meetings each year, at such
times and places as it may provide by rule, for the examina-
tion of candidates, and for the discharge of such other busi-
ness as may legally come before it, and such additional meet-
ings as may be necessary.

Powers of
Board

Section 9. The Board of Pharmacy shall have a common
seal, and shall have power to adopt such rules and by-laws,
not inconsistent with law, as may be necessary for the regula-
tion of its proceedings, and for the discharge of the duties im-
posed under this statute, or any law of this State, and shall
have power to employ an attorney to conduct prosecutions or
to assist in the conduct of prosecutions under this Act.

Record of
proceedings

The Board shall keep a record of its proceedings, and a
register of all persons to whom certificates of license as phar-
macists and assistant pharmacists have been issued, and of all
renewals thereof, and the books and register of the Board, or
a copy of any part thereof certified by the Secretary, attested
by the seal of the Board, shall be accepted as competent evi-
dence in all courts of this State.

Annual report
of Board

The Board of Pharmacy shall make annually to the Gover-
nor, and to the Delaware Pharmaceutical Society, a written

OF PHARMACY.

report of its proceedings, and of its receipts and disbursements under this Act, and of all persons licensed to practice as pharmacist and assistant pharmacist in this State.

A majority of the Board shall constitute a quorum for the transaction of business.

The President and Secretary shall have the power to administer oaths in all matters pertaining to the examination and registration of pharmacist and assistant pharmacist.

Section 10. The Secretary shall receive such salary, not exceeding one hundred and fifty dollars per annum, as may be prescribed by the Board of Pharmacy, and his necessary expenses while engaged in the performance of his official duties. The other members shall receive the sum of five dollars for each day actually employed in the discharge of their official duties, and their necessary expenses while engaged therein, provided that no member shall receive in any event more than three hundred dollars per annum.

All fees collected by the Secretary for the examination of pharmacist and assistant pharmacist, and for the renewal of certificates of registration, and all fines collected under prosecution, begun or cause to be begun by the Board of Pharmacy, and all other funds collected under this Act, shall by him be conveyed into the State Treasury monthly, and shall be placed to the credit of a fund which is hereby appropriated for the use of the Board of Pharmacy.

There is hereby appropriated annually hereafter, from money in the Treasury of this State, the sum of Two hundred and fifty dollars, to be placed to the credit of the Board of Pharmacy, and to be used as herein provided.

The compensation and expenses of the Secretary and members of the Board of Pharmacy, and all expenses incurred by the Board in carrying into execution the provisions of this Act, shall be paid out of said fund upon the warrant signed by the President and Secretary of the Board.

Section 11. Upon receiving information that any provisions of this law has been or is being violated, the Secretary of the Board of Pharmacy shall investigate the matter, and

Quorum

President and Secretary may administer oaths

Salary of Secretary

Per diem for members

Fees to be deposited with State Treasurer

\$250 appropriated

Compensation, &c., how paid

Secretary, duty of

OF PHARMACY.

upon probable cause appearing shall, under direction of the Board, file a complaint and prosecute the offender therefor.

Attorney Gen-
eral, duty of

It shall be the duty of the Attorney General, upon request of the Secretary, to take charge of and conduct such prosecutions.

Fines, &c.,
disposition of

All fines assessed and collected under prosecutions begun or caused to be begun under this Act shall be paid to the Secretary, and by him conveyed into the State Treasury monthly, and shall be credited to the fund for the use of the Board of Pharmacy.

Legal fees

Section 12. The Board of Pharmacy shall be entitled to charge and collect the following fees: For the examination of an applicant for license as a pharmacist, ten dollars; for the examination of an applicant for license as an assistant pharmacist, five dollars; for renewing the license of a pharmacist, one dollar; for renewing the license of an assistant pharmacist, one dollar.

All fees shall be paid before any applicant may be admitted to examination or his name placed upon the register of pharmacist or assistant pharmacist, or before any license, or any renewal thereof, may be issued by the Board.

Sale of certain
drugs prohibi-
ted except
under certain
conditions

Section 13. It shall be unlawful for any person in this State to sell or deliver to any minor under sixteen years of age, except upon the written order of an adult, any of the following substances, and it shall likewise be unlawful to sell or deliver to any person any of the following described substances, or any poisonous compound, combination or preparation thereof, to wit: strychnia, arsenic or corrosive sublimate, except in the manner following:

It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word Poison and the name of the person or firm dispensing the substance. And before a delivery shall be made of any of the foregoing substances there shall be recorded in a book kept for the purpose the name of the article, the quantity delivered, the purpose for

OF PHARMACY.

which it is alleged to be used, the date of delivery, the name and address of the purchaser, and the name of the dispenser, which book shall be preserved for at least five years, and shall at all time be open to inspection by the proper officers of the law.

Provided, however, that the foregoing provisions shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry; and provided also, that the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale, but the box, bottle, or other package containing such substance when sold at wholesale shall be properly labeled with the name of the substance, the word Poison, and the name and address of the manufacturer or wholesaler.

Proviso:
Exception as
to Physicians
and Dentists

Section 14. Every proprietor or manager of a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than five years the original of every prescription compounded or dispensed at such store or pharmacy, and said book or file of original prescriptions shall at all times be open to inspection by duly authorized officers of the law.

Prescriptions
to be filed
for five years

Section 15. It shall be unlawful for any person to sell or offer for sale by peddling, or to offer for sale from house to house, or to offer for sale by public outcry or by vending in the street, any drug, medicine, chemical, or any composition or combination thereof, or any implement or appliance or other agency for the treatment of disease, injury or deformity.

Prohibited
from selling,
&c. for
treatment

Section 16. It shall be unlawful for any person not legally licensed as a pharmacist, to take, use or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title, druggist, or apothecary, or any other title or description of like import; and it shall be unlawful for any person not legally licensed as an assistant pharmacist, to take, use or exhibit the title of assistant pharmacist, or any other title or description of like import.

Unlawful to
use title phar-
macist, drug-
gist, &c. unless
licensed.

Section 17. All persons licensed under this Act as phar-

OF PHARMACY.

Exempt from jury duty pharmacist or assistant pharmacist, and actively engaged in the practice of their profession, shall be free and exempt from jury duty in all the courts of the State.

Violation of act a misdemeanor Section 18. Whoever, not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy, or other place of business for the compounding, dispensing or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions, contrary to the provisions of Section 1 of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, and each week such drug store or pharmacy, or other place of business is so unlawfully conducted, shall be held so constitute a separate and distinct offense.

Penalty for non-licensed owner to compound or sell

Penalty for non-licensed person to compound and sell Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, medicine, poison or pharmaceutical preparation, either upon a physicians' prescription or otherwise, and whoever being the owner or manager of a drug store, pharmacy, or other place of business, shall cause or permit anyone not licensed as a pharmacist or assistant pharmacist, to dispense, sell at retail, or compound any drug, medicine, poison or physicians' prescriptions contrary to the provisions of Section 1 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

License secured by fraud void Any license or renewal thereof obtained through fraud or by any false or fraudulent representation shall be void and of no effect in law. Any person who shall make any false or fraudulent representation for the purpose of procuring a license, or renewal thereof, either for himself or for another, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and any person who shall willfully make a false affidavit for the purpose of procuring a license, or renewal thereof, either for himself or for another, shall be deemed guilty of perjury, and upon conviction thereof, shall be subject to like punishment as in other cases of perjury.

False representation a misdemeanor

Penalty

False affidavit

Penalty

OF PHARMACY.

Whoever, being the holder of any license granted under this Act shall fail to expose such license, or any renewal thereof, in a conspicuous position in the place of business to which such license relates, or in which the holder thereof is employed, contrary to the provisions of Section 6 of this Act, shall, upon conviction thereof, be fined not less than five dollars, nor more than twenty-five dollars, and each week that such license, or renewal, shall not be exposed, shall be held to constitute a separate and distinct offense. And whoever, being the holder of any license granted under this Act, shall, after the expiration of such license, and without renewing the same, continue to carry on the business for which such license was granted, contrary to the provisions of Section 6 of this Act, shall, upon conviction thereof, be fined not less than five dollars, nor more than twenty-five dollars.

Failure to expose license

Penalty

Whoever shall sell or deliver to any person any poisonous substance specified in Section 13 of this Act, without labeling the same and recording the delivery thereof in the manner prescribed in said Section 13, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars, nor more than one hundred dollars.

Penalty for violation of provision of Section 13

Whoever shall sell or offer for sale by peddling from house to house, or offer for sale by public outcry or by vending in the street, any drug, medicine, chemical or combination thereof, or any implement or appliance for the treatment of disease, injury or deformity, contrary to the provisions of Section 15 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

Penalty for violation of Section 16

Whoever, not being legally licensed as a pharmacist, shall take, use, or exhibit the title of pharmacist, licensed or registered pharmacist, druggist, apothecary, or any other title of similar import, contrary to the provisions of Section 16 of this Act, and whoever, not being legally licensed as an assistant pharmacist, shall take, use, or exhibit the title of assistant pharmacist, or any other title of similar import, contrary to the provisions of said Section 16, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars, nor more than fifty dollars.

Penalty for violation of Section 16

OF PHARMACY.

Section 19. All Acts, or parts of Acts, in conflict with this Act, shall be and the same are hereby repealed.

Approved April 9, A. D. 1907.

CHAPTER 141.

OF PHARMACY.

AN ACT Authorizing the Delaware Board of Pharmacy to enter into Reciprocal Relation with Boards of Pharmacy of other States and to Become a Member of the National Association of Boards of Pharmacy.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Delaware Board of Pharmacy authorized to enter into reciprocal relations with certain other States

Section 1. That it shall be within the power of the Delaware Board of Pharmacy to enter into reciprocal relations with the Boards of Pharmacy of such other States as do likewise, and whose requirements are satisfactory as regards the awards and inter-changing of certificates for registration of registered Pharmacists, applicants for registration under this clause to produce satisfactory documents bearing upon their previous examinations from the Secretary of that Board and paying the Secretary of the Delaware Board of Pharmacists the accustomed fee; applicants in addition, will be required to furnish satisfactory record as to their morality, sobriety and close observance of the more important laws touching the life of a Pharmacist.

Authorized to become members of National Boards of Pharmacy

Section 2. That the State Board of Pharmacy is hereby authorized to become a member of the National Association of Boards of Pharmacy and to pay out of any money coming into its hands the sum of Ten Dollars annually as a membership fee to the said National Association of Boards of Pharmacy.

Approved March 4, A. D. 1907.

TITLE SEVENTH.

Of the Poor; The Insane; Deaf and Dumb, and the Blind.

CHAPTER 142.

OF THE DEAF AND DUMB AND THE BLIND.

AN ACT to Provide for the Education and Training of the Indigent Adult Blind Persons of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Associate Judges of the State of Delaware shall on the Second Tuesday in April in the year One thousand nine hundred and seven, and annually thereafter, appoint a suitable person to be an Instructor of the adult indigent blind persons of this State. Instructor of adult indigent blind persons
Appointment of, by whom and when

Section 2. That it shall be the duty of the said Instructor to instruct in their homes any adult blind persons in the State of Delaware when so directed by the said Associate Judges, and said Instructor shall be under the sole direction and control of said Judges at all times. Duty of

Section 3. That said Instructor shall hold office for a period of one year from the date of appointment unless sooner removed by said Judges. Term of

Section 4. Any adult indigent blind person who is resident of the State of Delaware may make application to said Associate Judges to be instructed by said Instructor. Said application shall be in writing and shall be endorsed by at least two (2) substantial citizens residing in the community in which the applicant resides. The said Judges shall have Application for instruction, to contain what

OF THE DEAF AND DUMB AND THE BLIND.

Judges to determine duration of instruction full authority to pass upon said application, and may grant or refuse the same in their discretion. They shall indicate at what time said instruction shall commence, for how long it shall continue, and when it shall determine, and they may discontinue said instruction at any time when to them it shall seem wise or proper so to do.

Salary Section 5. The said Instructor shall receive for services and expenses a salary not to exceed the sum of Twelve Hundred Dollars (\$1200.00) per annum, payable in equal monthly installments by the Treasurer of the State of Delaware out of any funds in his hands not otherwise appropriated, upon the certificate of any one or more of the said Associate Judges that said Instructor has faithfully performed the duties of the office during the preceding month.

How drawn

Approved March 9, A. D. 1907.

OF THE DEAF AND DUMB AND THE BLIND.

CHAPTER 143.

OF THE DEAF AND DUMB AND THE BLIND.

AN ACT to amend Chapter 245, Volume 21, Laws of Delaware entitled "An Act to Amend Chapter 58, Volume 15, Laws of Delaware, Increasing the Period of Extension by the Governor of the Term of Indigent Deaf, Dumb and Blind in Institutions for Instruction of such Indigents," by further increasing the period of extension by the Governor of the term of Indigent Deaf, Dumb and Blind in Institutions for Instruction of such Indigents.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1, of Chapter 245, Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the word "five" in the last line of Section 1 of said Chapter and inserting in lieu thereof the word "seven."

Chapter 245,
Volume 21,
amended, ex-
tending time
defective
children may
receive
instruction

Approved March 15, A. D. 1907.

TITLE EIGHTH.

Of the General Police.

CHAPTER 144.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to amend Chapter 124, Volume 23, Laws of Delaware, entitled, "An Act Defining Motor Vehicles and Providing for the Registration of the same and Uniform Rules Regulating the use and speed thereof," approved April 6th, 1905, by changing penalties, increasing fees, and relating to chauffeurs.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Motor vehicle
prohibited use
of public high-
ways until
registered

Section 1. That, except as hereinafter provided, no motor vehicle shall be operated or driven upon any public street, road, turnpike or highway in this State until the said motor vehicle shall have been registered with the Secretary of State.

Owners
annually to
register

Section 2. Every resident of this State who is the owner of a motor vehicle, and every non-resident, whose motor vehicle shall be driven in this State for a longer period than ten days in any one year, shall, annually, apply to the Secretary of State for the registration of the said motor vehicle. The application shall contain the name, place of residence and correct post-office address of the owner, with a brief description of the motor vehicle, stating the name of the maker, manufacturer's number and character of the motive power and rated horse power. The said application shall be made upon a blank provided for the purpose by the Secretary of

Statement,
what to
contain

GENERAL PROVISIONS RESPECTING THE POLICE.

State. It shall be signed by the owner and shall be verified by oath or affirmation. Upon receipt of the application and a fee of Three Dollars, the Secretary of State shall register the said motor vehicle in a book to be kept for that purpose, and shall issue to the owner a registration certificate and the owner shall provide two number tags containing the registration number, the figures of which shall not be less than five inches in height, and the abbreviated name of the State and the year. Must be verified Registration fee Records to be kept by Secretary of State Number tags Proviso; as to non-residents Provided, however, that non-residents of this State shall be exempt for a period of ten days from the provisions of this section if they have complied with the requirements of the State in which they reside and display upon their motor vehicle number tags that indicate the State by which they are issued.

Section 3. No motor vehicle shall be operated upon any public street, road, turnpike or highway unless the number tags are carried conspicuously, one on the front and the other on the rear of the motor vehicle in such manner that they may be easily read. They shall be parallel to the axles of the motor vehicles, and shall be kept free from oil, greese, dirt or other substance likely to impair their legibility; and between one hour after sunset and one hour before sunrise, the rear number tags shall be illuminated so that the number can be plainly distinguished when the motor vehicle is in use. Number tags, how displayed Proviso; as to motor cycles Provided that when used upon motor cycles the number tags shall be attached so that they may be plainly read from both sides of the said motor cycles instead of being attached to the front and rear; and provided further that the requirements as to illuminating the rear number tag shall not apply to motor cycles. One set of tags only to be displayed Not more than one set of number tags shall be displayed upon any motor vehicle, except as provided in Section 2 for non-residents. Exemption from arrest when one number tag is lost on trip No owner or operator of any motor vehicle shall be subject to fine or arrest when one number tag is missing, provided he make affidavit that the same has been lost or removed without his knowledge or consent, and that he will promptly provide a new tag.

Section 4. No person, except as provided for non-residents in Section 2, shall operate a motor vehicle upon the public streets, roads, turnpikes or highways of this State unless he has first obtained from the Secretary of State a license. Operator's license

GENERAL PROVISIONS RESPECTING THE POLICE.

Age limit No License shall be issued to, nor shall any motor vehicle be operated by any person under sixteen years of age. Application for license shall be made in writing upon a blank furnished by the Secretary of State, and shall contain the name of the applicant, his place of residence, including City or Town, street and number, and his post-office address, and shall state that he is over sixteen years of age and is qualified to operate a motor vehicle. It shall be signed by the applicant's own hand and verified by oath or affirmation. Upon receipt of the application and a fee of Two Dollars, the Secretary of State shall issue to the applicant a license. The license shall contain the licensee's name and residence, and the date and number of the license, and shall be carried by the licensee at all times when operating a motor vehicle.

Application verified, &c. in writing to contain what

Fee

License effective only to Dec. 31 each year

License may not be transferred

Owner disposing of machine, duty of

Registration, fee for

Dealer's license

Application

Section 5. Motor vehicles may be registered and licenses issued at any time during the year, but all registration and licenses shall cease to be effective on the thirty-first day of December of the year issued. A registration certificate or license issued to one person shall not be transferred to another person, and no operator's license shall be issued to a firm or corporation nor in the name of more than one person. Upon the transfer of ownership of any motor vehicle, its registration shall expire, and it shall be the duty of the person in whose name such vehicle is registered to immediately notify the Secretary of State of the name and address of the new owner, and to return to the said Secretary of State the registration certificate for the vehicle so transferred. Should the original owner make application for the registration of another motor vehicle within the period of two months, accompanied by a fee of One Dollar, he shall be assigned the number previously issued to him.

Section 6. Motor vehicles, operated by manufacturers or dealers for the purpose of testing or selling, shall be exempt from the necessity of individual registration, provided said manufacturer or dealer registers with the Secretary of State in the "dealer's class." Application for such registration stating the number of cars to be registered, shall be made upon a blank provided for the purpose by the said Secretary of State which shall state the name and business of the applicant, and

GENERAL PROVISIONS RESPECTING THE POLICE.

shall be verified by oath or affirmation. Upon receipt of the application and a fee of Three Dollars for each car to be registered, the Secretary of State shall issue to the applicant a certificate of registration, and the manufacturer or dealer shall provide a pair of number tags which shall contain numbers of registration in figures not less than five inches in height, the year and the words "Delaware Dealer." Such car shall be operated only by licensed drivers who shall have authority to operate motor vehicles bearing the said tags for testing or demonstrating purposes, or for hire.

Fees

Tags

Car operated only by licensed operator

Section 7. No person when intoxicated shall operate a motor vehicle under penalty of a fine of not more than One Hundred Dollars or imprisonment not exceeding thirty days, or both. Any Justice of the Peace of the State or the Judge of the Municipal Court of the City of Wilmington shall have power and jurisdiction to hear and determine the offense created by this section.

Intoxicated persons prohibited operation of car

Jurisdiction of Courts

Section 8. No person having been licensed shall operate a motor vehicle under another's license, nor operate an unregistered motor vehicle. No motor vehicle shall be operated under any other number than that of its own registration.

Unlawful for unlicensed person to operate a car or unregistered car to be operated

Section 9. Every motor vehicle shall be provided when in use with good and sufficient brakes, and with a horn, bell or other signal device, which shall be sounded whenever necessary to insure the safety of other users of the highway. Motor vehicles shall, from one hour after sunset until one hour before sunrise show at least one white light visible not less than two hundred feet in the direction toward which the motor vehicle is proceeding, and one red light shall be shown visible in the opposite direction.

Brakes, horns, &c

Lights

Section 10. The use of chains on the wheels of motor vehicles is prohibited, except on highways of natural dirt, plank, asphalt, cobble, brick, Belgium block, or on at least one inch of ice or hardened snow, except in cases where the condition of other highways is such as to render their use necessary for the safety of the users of the highway.

Chains on wheels

Section 11. Upon approaching any person walking upon the public highways, or a horse, horses, or other draft animals being led, ridden or driven, the operator of the motor vehicle

Duty of motorist on highways

GENERAL PROVISIONS RESPECTING THE POLICE.

In case of
accident

shall give reasonable warning of his approach and use every precaution to avoid injuring such persons or frightening such animals, bringing his motor vehicle to a stop, should such animals appear to be unmanageable, stopping his engine, if the occasion require it, until such animals have had sufficient time to pass. In case of injury to person or property due to the operation of a motor vehicle, the operator of said vehicle shall stop, and upon the request of the person injured, or in whose custody such property then was, give his name and address, and that of the owner of said motor vehicle.

Motorist meet-
ing vehicles to
turn to right
of road

Section 12. Whenever a person operating a motor vehicle, or any person riding, driving or leading a horse, horses or other draft animals, shall meet any other vehicle or other draft animals, the operators, drivers or person having such animals in charge, shall seasonably turn to the right of the center of the said highway, so that such vehicle or animals may pass without interference, and the driver of any vehicle overtaking any other vehicle or draft animals being led, ridden or driven upon any public highway, shall pass to the left thereof, the driver of such vehicle or person having charge of such animals so overtaken shall turn to the right of the center of the road to allow free passage to the left.

When over-
taking vehicles
to pass on left
side

Rates of speed

Section 13. The following rates of speed may be maintained but not exceeded. Upon any public street or highway where the buildings are less than an average distance apart of one hundred feet, a rate of speed of one mile in five minutes shall be permitted, but not exceeded, which, however, shall be reduced to the rate of one mile in six minutes at curves and at intersections of other streets or highways. Upon any public street or highway where the buildings are of greater distance apart than one hundred feet, a rate of speed of one mile in three minutes shall be permitted, but not exceeded, but this rate of speed shall be reduced to one mile in five minutes at all curves, intersecting roads, in descending steep hills, and in passing other vehicles, provided that nothing in this section shall permit any person to drive a motor vehicle at a greater rate of speed than is reasonable, having regard to the traffic, or so as to endanger the safety or injure the property of any person; provided further that motive vehicles used as ambulances, or by physicians responding to emergency calls, or

GENERAL PROVISIONS RESPECTING THE POLICE.

motor vehicles used by the police, fire department, or military when in the performance of duty, are exempt from compliance with the provisions of this section.

Section 14. All operators of motor vehicles shall, upon request or signal of any constable or police officer, stop and exhibit their registration certificate or license, and shall furnish to any legally constituted authority all information in their possession as to the identity of the operator or owner of any motor vehicle.

On signal from police officers, operators must stop, &c.

Section 15. The constables and police officers of any city, town or county of this State may arrest upon view and without warrant any person or persons violating any of the provisions of this Act. In the event of an arrest as aforesaid, if the defendant is unable to give sufficient bail for a hearing or for his appearance at Court, the magistrate before whom he is first taken may accept as a forfeit, conditioned upon the defendant's appearance as aforesaid, a sum of money equal in amount to the maximum fines which could be imposed under the provisions of this Act, and the costs, or in lieu of such bail or forfeit may accept any article of sufficient value, or hold in custody the motor vehicle found in the possession of the defendant; and such magistrate, after the trial of the defendant, if not sufficient bail according to law has been given in the meantime, shall make such order as to the disposition of such motor vehicle or other articles as to him shall seem just and proper.

Police officers may arrest without warrant persons violating law

Bond of defendant for appearance

Money, valuable thing or car may be left in pledge

Section 16. Any person violating any of the provisions of this Act, shall be subject to a fine of not less than ten nor more than twenty-five dollars, to be collected by summary conviction before any Mayor or Justice of the Peace or Judge of the Municipal Court of the City of Wilmington as like fines and penalties are now by law collectible; or in case of non-payment of a fine to undergo an imprisonment for a period not exceeding ten days. Any person or persons who have been previously convicted before a Mayor, Justice of the Peace of this State, or Judge of said Municipal Court, of any violation of the provisions of this Act, upon commission of a second or subsequent offense within a period of six months shall be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars, and in case of

Penalties for violation of law

Jurisdiction of Courts

Penalties for second offense

GENERAL PROVISIONS RESPECTING THE POLICE.

non-payment of such fine to undergo an imprisonment for a period not exceeding twenty days.

Penalties for
third offense
forfeiture of
license

Section 17. Any person who has been previously convicted of any violation of the provisions of this Act upon the commission of a third offense within a period of one year shall be sentenced to pay a fine of not less than one hundred nor more than two hundred dollars, and in case of non-payment of such fine to undergo an imprisonment for a period not exceeding thirty days. Upon the certification to the Secretary of State by any Mayor, Justice of the Peace or said Judge of a third conviction for violation of the provisions of this Act in any one year, the license issued to such person so convicted may immediately be revoked by the Secretary of State, and shall not again be reissued for a period of one year after such revocation.

Revocation
of license

Appeal to
Court of Gen-
eral Sessions

Section 18. Any person convicted under the provisions of this Act shall have the right to an appeal to the Court of General Sessions of the County upon giving bond in the sum of five hundred dollars to the State with surety satisfactory to the Mayor, Justice of the Peace or Judge before whom such person was committed. Such appeal to be taken and bond given within two days from the time of conviction.

Motor vehicle
defined

Section 19. The term "motor vehicle," as used in this Act shall apply to all wheeled vehicles operated by any form of engine, motor or mechanical power, excepting road rollers, traction engines and vehicles which move upon or are guided by a track.

Fees to be paid
to State
Treasurer

Section 20. The revenue derived from the registration of motor vehicles and the licensing of operators thereof under the provisions of this Act shall be paid to the State Treasurer.

Section 21. This Act shall take effect and become operative on the first day of May, A. D. nineteen hundred and seven.

Approved April 4, A. D. 1907.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

CHAPTER 145.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT to Prevent the Procuring for, or the Selling, Giving or Delivering of Intoxicants to or for Habitual Drunkards or Minors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act, any person, who, either directly or indirectly, procures for, or sells, gives, or delivers any intoxicant to or for any habitual drunkard, or to or for a minor, at such minors' request, or initiative, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than Twenty-five Dollars nor more than One Hundred Dollars, or imprisoned for a term not exceeding six months or both in the discretion of the Court.

Person procuring for minors or habitual drunkards any intoxicating liquor subject to fine and imprisonment

Approved March 9, A. D. 1907.

OF FISH, OYSTERS AND GAME.

CHAPTER 146.

OF FISH, OYSTERS AND GAME.

AN ACT Providing Uniform Laws to Regulate the Catching and Taking of Fish in the Delaware River and Bay between the State of Delaware and the State of New Jersey.

Preamble

Whereas, By virtue of Article IV of the compact or agreement entitled a "Compact Between the State of New Jersey and the State of Delaware, Relating to the Boundary Controversy Between said States," which was ratified and confirmed by an Act of the General Assembly of the State of Delaware, approved March 20th, 1905, and by an Act of the Legislature of the State of New Jersey, approved March 21st, 1905, the State of Delaware by an Act of the General Assembly thereof, approved March 23rd, 1905, appointed Alexander B. Cooper, William S. Hilles and Walter H. Hayes, Commissioners on the part of the State of Delaware to confer with like Commissioners appointed, or to be appointed, by the Legislature of the State of New Jersey, to do and perform all the duties, acts, matters and things required and stipulated in the said Compact or Agreement; and

Preamble

Whereas, By a similar Act of the Legislature of the State of New Jersey, approved May 11th, 1905, William J. Bradley, John Boyd Avis and James Strimple were appointed like Commissioners, on the part of the State of New Jersey, to confer with the said Commissioners on the part of the State of Delaware, and to do and perform the duties aforesaid; and

Preamble

Whereas, Each of the said Commissions have been duly organized as provided and required by law; and

Preamble

Whereas, The said Commissioners of the said respective states, in joint meeting held for that purpose, have agreed upon uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between the said states, and have also ascertained the dividing line between the said Delaware River and Delaware Bay, and have upon each of

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the shores of the said two states where said dividing line extended intersects the same, provided for the erection of a suitable monument to mark said dividing line, in pursuance of the duties imposed upon them by law; therefore.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the provisions of this Act shall affect and apply only to the catching and taking of fish in the waters of the Delaware River and Bay lying between the States of Delaware and New Jersey. Limitation of act

Section 2. That the inhabitants of the State of Delaware and New Jersey shall have and enjoy a common right of fishery throughout, in and over the waters of said river between low water marks on each side of said river between the said states, except so far as either state may have heretofore granted valid and subsisting private rights of fishery. Common right of fishery granted to inhabitants of New Jersey and Delaware in Delaware River Exception

Section 3. That nothing herein contained shall affect the territorial limits, rights or jurisdiction of either of said states of, in or over the Delaware River, or the ownership of the subaqueous soil thereof, except as is expressly set forth in said Compact between the said states; nor shall anything herein contained affect in any way the planting, catching or taking of oysters, clams, or other shell fish, or interfere with the oyster industry, as now or hereafter carried on under the laws of either of said states. Territorial limits, &c. or jurisdiction unaffected Oyster and other shell fish plantation unaffected

Section 4. That hereafter it shall be lawful for any person to catch and take, from the waters aforesaid, fish of any character (except shell fish) with any net, hook and line, or other appliances; provided the meshes of any net shall not be less than two and one-half inches long stretched measure, and except as hereinafter provided; provided further, that nothing in this Section shall apply to nets used for catching eels. Any person may catch fish by net, hook and line Proviso: nets not less than certain size meshes Eels excepted

Section 5. That hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, shad from the waters aforesaid with a seine or net of any character, the meshes of which shall be less than five and one-quarter inches stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to Shad fishing Sizes of meshes

OF FISH, OYSTERS AND GAME.

Time when
shad fishing
prohibited

catch and take, any shad from the said waters in any manner whatsoever between the hours of twelve o'clock midnight of every Saturday and twelve o'clock midnight of the Sunday next ensuing, and also between the fifth day of June in each and every year and the first day of March thence next ensuing. It shall also be unlawful for any person at any time to set, place or use a net of any kind, except a drifting net, for the purpose of catching and taking shad within one-half mile of the mouth of any river, creek or stream emptying into the said waters.

Kind of nets
prohibited

Carp fishing

Size of meshes

Time when
carp fishing
prohibited

Section 6. That hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, carp from the waters aforesaid with a seine or net of any character, the meshes of which shall be less than two inches stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, from the said waters any carp in any manner whatsoever, between the hours of twelve o'clock midnight of every Saturday and twelve o'clock midnight of the Sunday next ensuing. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, any carp weighing less than one pound, and should any such fish be caught, it shall be immediately returned to the waters uninjured. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any carp in any manner whatever between the first day of May and the tenth day of August of each and every year.

Rock fishing

Size of meshes

Time when
rock fishing
prohibited

Rock weighing
more than 20
pounds to be
returned to
waters

Section 7. That hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, rock fish from the waters aforesaid, with a seine or net of any kind, the meshes of which shall be less than two inches stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any rock fish in any manner whatsoever between the hours of twelve o'clock midnight of every Saturday and twelve o'clock midnight of the Sunday next ensuing. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, in any manner whatever, any rock fish weighing more than twenty pounds, and should any

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such fish weighing over twenty pounds be caught, it shall be immediately returned to the waters uninjured.

Section 8. That hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, any sturgeon or mamoose with a net of any character, the meshes of which shall be less than thirteen inches stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any sturgeon or mamoose under six feet in length, and if any such sturgeon or mamoose under six feet in length should be caught it shall be immediately returned to the waters uninjured. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, sturgeon or mamoose from the waters aforesaid, in any manner whatever, between the hours of twelve o'clock noon of every Saturday and twelve o'clock midnight of the Sunday next ensuing, and also between the first day of July in each and every year and the first day of March thence next ensuing.

Sturgeon

Size of meshes

Sturgeon or
mamoose
under
6 feet to be
returned to
watersTime when
sturgeon fish-
ing prohibited

Section 9. That hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, any trout or weak fish with a net of any character, the meshes of which shall be less than two inches stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any trout or weak fish from the waters aforesaid, with a net of any character, between the hours of twelve o'clock midnight of every Saturday and twelve o'clock midnight of the Sunday next ensuing.

Trout

Size of meshes

Time when
such fishing
prohibited

Section 10. That hereafter it shall be unlawful for any person to catch and take or to attempt to catch and take, fish of any kind with a net of any character which is anchored, staked or fastened down in any way across the mouth of any river, creek or stream emptying into the waters aforesaid.

Anchored nets
before mouth
of streams
prohibited

Section 11. That hereafter it shall be unlawful for any person by boat, anchor, dredge, or otherwise, in the waters aforesaid, to wilfully and without reasonable cause, interfere with, break, damage, or destroy any drift net or gill seine being lawfully used for the taking of any fish as herein provided.

Unlawful to
interfere with
drift or gill
nets

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Unlawful to use explosives, or drugs, &c. for purpose of killing or catching fish

Or allow certain substances to flow into waters

Penalty

Sunday fishing prohibited

Certain kinds of fishing declared unlawful

Unlawful to have certain fish in possession

Violation of act misdemeanor

Section 12. That hereafter it shall be unlawful for any person willfully to put or place in the waters aforesaid any explosive substance whatever, or any drug or poisoned bait for the purpose of catching and taking, killing or injuring the fish, or to allow any dye stuff, coal or gas tar, coal oil sawdust, tan bark, coculusindicus (otherwise known as fish berries), lime refuse from gas houses, oil tanks or vessels, or any other deleterious, destructive or poisonous substance to be turned into or allowed to run into any of the waters aforesaid, in quantities sufficient to destroy or impair fish life or disturb the habits of fish inhabiting the same. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not more than five thousand dollars, or shall be imprisoned not more than one year, or both, in the discretion of the court.

Section 13. That hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, fish of any kind or description from the waters aforesaid by a net of any character on the Sabbath Day, commonly called Sunday.

Section 14. That hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, fish of any kind from the waters aforesaid with a set line, or to have, use, erect or maintain in the waters aforesaid, for the purpose of catching and taking fish of any kind (except cat fish, eels and suckers), any fish basket, eel, weir, fyke net, pound net, shore net, dip net, cast net, wing-wall, wing-dams, or any other device, excepting in the manner and with the means in this Act provided. Provided, that nothing contained in this section shall prevent the catching and taking of carp with shore nets, dip nets or cast nets.

Section 15. That hereafter it shall be unlawful for any person to sell, expose for sale, or have in possession, any fish caught and taken in violation of the provisions of this Act.

Section 16. Every violation of any of the provisions of this Act shall be deemed a misdemeanor, and upon conviction thereof, where no other specific penalty is herein provided,

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each offender shall forfeit and pay to the State of Delaware a fine of not less than twenty dollars nor more than two hundred dollars, and costs of prosecution, and in default of payment thereof shall be committed to the county jail, or workhouse, for a period of not less than ten days nor more than ninety days, or until such fine and costs are paid.

Penalties

Section 17. Any and every boat, vessel, net, trap, pot, pound, set line, tyke, weir, or other property used by any person for the unlawful taking of, or attempting to take, any fish in the waters aforesaid, in violation of the provisions of this Act, shall be forfeited to the State of Delaware, together with the tackle, apparel and furniture of said boat or vessel, and all other apparatus and implements so unlawfully used; and the same shall be seized and detained by the sheriff, officer, or any county constable, or authorized deputy or deputies, until sold or discharged, as hereinafter provided. Upon the conviction of any such person, as aforesaid, the court shall, in addition to the sentence pronounced against such person, enter an order and judgment of forfeiture against said property so unlawfully used and shall order the sheriff of the county to at once seize the same wheresoever it may be found, who shall, thereupon, advertise and sell the same at public auction, for cash, to the highest and best bidder for the same, after giving at least ten days notice by advertisements posted in at least ten public places of the county, of the time and place of said sale; the proceeds of said sale, after deducting all costs, charges and expenses, shall be paid by the said sheriff to the State Treasurer for the use of the State. In the event that the said person, so charged as aforesaid, shall be acquitted, the said property shall be forthwith returned to the person in whose custody it was at the time it was so seized and taken as aforesaid.

Forfeiture of boats, &c. traps, pounds, &c. under certain conditions

Custody of said property

Upon conviction courts shall also enter judgment of forfeiture

Sale of said property

Proceeds of sale paid to State Treasurer

Property returned in case of acquittal

Section 18. Any Justice of the Peace, or other committing officer, shall, upon affidavit made that any person, boat, vessel, or other appliance or apparatus hereinbefore enumerated, is, are or have been violating, or used in violation of, this Act, issue his warrant to the sheriff, county constable, or officer, of the county, authorized to make such arrest, commanding him to arrest such person and to seize and detain such property for hearing, trial, or other proceeding

Jurisdiction of Justice of Peace

Process, to whom issued

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Posse
comitatus

under this Act. The said sheriff, constable or officer, may, if necessary, summon to his aid the posse comitatus, and may require the assistance and use of any other boat, vessel, or other means, by paying, or tendering, just compensation. It shall not be necessary that the affidavit shall state the name of the boat or vessel, or describe with particularity the property to be seized.

Affidavit, what
to contain

Fees

Section 19. That the costs, charges and expenses of any proceeding for the violation of the provisions of this Act, shall be taxed and allowed as follows:

To any sheriff, constable, or officer, for each day actually engaged in seizing the said property, five dollars (\$5.00);

To every person summoned by and rendering aid to such sheriff or constable, for each day actually engaged in assisting in seizing said property, two dollars (\$2.00);

To every Justice of the Peace, sheriff, constable, officer, witness, or other person performing service under this Act and not herein specifically mentioned, the same fees as are now provided by law for similar services. Said costs, charges and expenses shall be paid by the officer making the sale out of the proceeds thereof; or if the property be not so sold, then by the State Treasurer upon the certificate of the court or Justice of the Peace, or committing officer, before whom the proceedings were had.

Appropriation
by General
Assembly

That the General Assembly shall appropriate at least the sum of two hundred dollars per annum for the purpose of paying the costs and charges incurred under the provisions of this Act.

Unlawful to
use steam
power or
shirred netsExcept for
certain fishLicense for
boats used in
menhaden
fishing

Section 20. That it shall be unlawful for any person to catch and take, or to attempt to catch and take, from the said Delaware River or Delaware Bay, with purse or shirred nets operated by or from steam or other vessels, fish of any kind whatsoever; provided, however, that this section shall not apply to the catching and taking of menhaden, sharks, porpoises, and herring-hogs, by the crews of vessels licensed as provided for in this section. It shall be the duty of the Collector of Oyster Revenue, upon the payment to him annually of the sum of one hundred dollars (\$100.00) for each

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and every vessel or boat, to issue a license to such vessel or boat to catch and take menhaden, sharks, porpoises and herring-hogs in the waters of the Delaware Bay as far north as a straight line drawn from the centre of the mouth of Mahon's River to the nearest point opposite on the New Jersey shore from the first day of June until the thirty-first day of October, inclusive, of each year, and at no other time or times. The said money so received for said license shall be paid over to the State Treasurer for the use of the state.

Section 21. It shall be unlawful for any person to have in his possession or to bring into this state any fish generally known as edible or food fish that has been caught and taken from the waters of the Delaware Bay or River within the bounds aforesaid, for the purpose of extracting oil therefrom, or of converting said fish into fertilizer; and it shall also be unlawful for any person to extract oil or to convert, or in any manner assist in extracting oil from, or in converting such fish into fertilizer.

Unlawful to have in possession to be used for extracting oil any edible fish

Section 22. That any Fish Commissioner, Collector of Oyster Revenue, Sheriff, Constable, or any officer may, upon view, arrest any person violating any of the provisions of this Act without warrant or writ issued for such purpose.

Arrest may be made without warrant

Section 23. That all prosecutions for the violation of any of the provisions of this Act, unless otherwise herein specially provided, shall be had in like manner, under similar process and proceeding, under the same restrictions and with the same privileges and rights and before the same court or officer as is now, or shall hereafter be, provided by the laws of the State of Delaware for other misdemeanors, or violations of this law.

Prosecutions under this Act under same procedure &c. as for other misdemeanors

Section 24. That each of the said States of Delaware and New Jersey shall also have concurrent jurisdiction over all offenses and violations of this Act committed, or attempted to be committed, by any person who is not an inhabitant of either of said states.

Concurrent jurisdiction as to offences committed by non-residents

Section 25. The Governor of the State of Delaware shall, when and as requested by the Governor of the State of New Jersey, issue a commission or commissions to such person or persons as may be named to him by the Governor of the State

Governor of Delaware to issue Commission to certain persons in New Jersey

OF FISH, OYSTERS AND GAME.

Powers of such officers of New Jersey, which shall authorize the person or persons to whom the same are directed to arrest the inhabitants of either the State of Delaware or the State of New Jersey for any violation of this Act, provided, however, that if the person so arrested shall be an inhabitant of the State of Delaware, such person shall be forthwith taken to the State of Delaware for trial and punishment. The Governor of this State may, at any time, and shall, when and as requested by the Governor of the State of New Jersey revoke the said commissions, or any of them. The compensation of the person or persons to whom such commission or commissions may be directed shall be paid wholly by the State of New Jersey.

Proviso

Such Commissions may be revoked

Governor of New Jersey to issue commissions to certain persons in Delaware The Governor of the State of New Jersey shall, when and as requested by the Governor of the State of Delaware, issue a commission or commissions to such person or persons as may be named to him by the Governor of the State of Delaware, which shall authorize the person or persons to whom the same are directed to arrest the inhabitants of either the State of Delaware or the State of New Jersey for any violation of this Act, provided, however, that if the person so arrested shall be an inhabitant of the State of New Jersey, such person shall be forthwith taken to the State of New Jersey for trial and punishment. The Governor of the State of New Jersey may, at any time, and shall, when and as requested by the Governor of the State of Delaware, revoke the said commissions, or any of them. The compensation of the person or persons to whom such commission or commissions may be directed shall be paid wholly by the State of Delaware.

Powers of such officers

Proviso

Such commissions may be revoked

Not to affect powers of police officers Nothing contained in this section shall be so construed as to prevent the arrest of any inhabitant of the State of Delaware by any other officer or person having authority under the laws of the said State of Delaware to make arrests for the violation of the provisions of this Act.

Act operative only when the State of New Jersey shall have in operation similar law Section 26. This Act shall not become operative until the Legislature of the State of New Jersey shall have passed, and the Governor of that State shall have approved of a similar law, agreed upon by the Commission, as recited in preamble of this Act.

OF FISH, OYSTERS AND GAME.

The provisions in this Act contained regulating the size of the meshes of fishing nets shall not become operative until October 1, 1908. Size of meshes not to be changed until Oct. 1908

Section 27. That all laws, or parts of laws, inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved April 23, A. D. 1907.

CHAPTER 147.

OF FISH, OYSTERS AND GAME.

AN ACT authorizing the compiling and printing of the provisions of the Fish, Oysters and Game Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That the Governor of the State is hereby authorized and empowered to have the provisions of the Fish, Oysters and Game Laws of the State compiled for publication in such form as he deems best; and he is hereby authorized and empowered to draw upon the State Treasurer for the sum of fifty dollars (\$50.00), out of any moneys in the State Treasury not otherwise appropriated, for the purpose of defraying the expenses of compiling the same. Governor authorized to have compiled the Fish, Oyster and Game laws
Compensation

Section 2. That the State Board of Supplies shall have five thousand copies of the provisions of the laws so compiled, printed in flexible cloth-bound books of a pocket size; and deliver to each member of the General Assembly fifty copies of said laws, and distribute the remaining copies in such manner as it deems best. Number of volumes to be printed
How distributed

Approved March 5, A. D. 1907.

OF FISH, OYSTERS AND GAME.

CHAPTER 148.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 372, Volume 22, Laws of Delaware, being an Act entitled "Act for the Protection of Black Bass, in the Fresh-water Streams and the Lakes or Ponds within the Jurisdiction of Delaware," by changing the time in which it shall be Lawful to catch or fish for Black Bass.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chap. 372, Vol.
22 amended
fixing time
when black
bass may be
caught

Section 1. That Section 2, of Chapter 372, Volume 22, Laws of Delaware, be and the same is hereby amended by striking out the words "the first day of March until the first day of June, inclusive, in each year" in the third and fourth lines of said section, and inserting in lieu thereof the following, to wit: "the first day of June until the first day of March."

Approved March 4, A. D. 1907.

OF FISH, OYSTERS AND GAME.

CHAPTER 149.

OF FISH, OYSTERS AND GAME.

AN ACT in Relation to Fishing in the Broadkilm River in this State and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. It shall be unlawful for any person to catch any white or black perch or catfish in the Broadkilm River or any of its tributaries by nets of any description, fikes, or fish traps or by any other device, between the fifteenth day of March and the first day of June in any year, from and after the date of the passage of this Act, under the same penalties and forfeitures as provided in Section 1 of Chapter 72, Volume 14, Laws of Delaware.

Closed season
for certain
fishing in
Broadkilm
river

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 14, A. D. 1907.

OF FISH, OYSTERS AND GAME.

CHAPTER 150.

OF FISH, OYSTERS AND GAME.

AN ACT in Relation to Fishing in the Broadkilm River in this State and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful to catch shad by net, &c. after May 15th in Broadkilm River

Penalty

Section 1. It shall be unlawful for any person to lay out, float or set any gill-seine or net, or any contrivance to catch shad or herring in the Broadkilm River or any of its tributaries within the limits of this State, after the fifteenth day of May in each year, under the same penalties and forfeitures as provided in Section 1 of Chapter 72, Volume 14, Laws of Delaware.

Unlawful to have in possession after May 15th shad caught in said River

Penalty

Section 2. It shall be unlawful for any person to have in his or her possession, or expose for sale any shad caught in the Broadkilm river or any of its tributaries within the jurisdiction of this State between the fifteenth day of May and the tenth day of August in any year, under a penalty of five dollars for each and every shad so had in possession or exposed for sale, to be recovered in an action of debt, with costs of suit, by any person or persons in his or their names, before any Justice of the Peace in the county, or where the defendant resides or lives. And in all prosecutions or proceedings under this Act both parties may be sworn as witnesses. One-half of any penalty imposed shall be paid to the informer.

Section 3. All the provisions of Sections 8, 9 and 10 of Chapter 72, Volume 14, Laws of Delaware, shall apply in full force and effect to the Broadkilm River and its tributaries within this State:

Chapter 564, Volume 18, Chapter 651, Volume 19, repealed

Section 4. That Chapter 564, Volume 18, Laws of Delaware, and Chapter 651, Volume 19, Laws of Delaware, and all other Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 1, A. D. 1907.

OF FISH, OYSTERS AND GAME.

CHAPTER 151.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Terrapin in any of the Streams in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. It shall not be lawful for any person or persons in Sussex County to catch or take or have in his, her or their possession any diamond back terrapin, which shall measure less than four lineal inches in the middle of its under shell nor shall it be lawful for any person or persons in Sussex County to have in his, her or their possession any diamond back terrapin at any time between the first day of March and the first day of August in any year. And any person or persons who shall catch, take or have in his, her or their possession any diamond back terrapin which shall measure less than four lineal inches in the middle of its under shell or shall have in his, her or their possession any diamond back terrapin between the first day of March and the first day of August in any year or who having caught or taken any diamond back terrapin in any seine, net, fyke, weir or fish pound or by means of any other device or in any other way between the first day of March and the first day of August in any year and shall not have returned at once such terrapin so taken to the waters from which said terrapin were taken shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace in the State of Delaware shall be fined not more than five dollars and for each and every terrapin so taken or had in possession shall be fined not more than five dollars.

Unlawful to catch or have in possession certain diamond back terrapin between March 1 and Aug. 1

Penalty

Section 2. And it shall not be lawful for any person or persons in Sussex County to take by any means or device or manner or have in his, her or their possession at any time between the first day of March and the first day of July in any year any turtle commonly known as snappers, and any person or persons who shall catch or take or have in his, her

Unlawful to catch or have in possession certain snappers between March 1st and July 1st

OF FISH, OYSTERS AND GAME.

Penalty

or their possession any such turtle between the said first day of March and the first day of July in any year shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace in Sussex County shall be fined not more than five dollars and for each and every turtle so taken or had in possession shall be fined not more than five dollars.

Section 3. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved April 9, A. D. 1907.

OF FISH, OYSTERS AND GAME.

CHAPTER 152.

OF FISH, OYSTERS AND GAME.

AN ACT Providing for the Purchase of a new Watchboat to Protect the Oyster Interest of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That the Governor or such person as he may name and appoint be and he is hereby authorized and directed to sell, as soon as possible, the Oyster Watchboat now owned by the State of Delaware, either at public or private sale, for the best price obtainable; the proceeds arising from said sale shall be turned into the State Treasury, and this money, together with an additional sum of five thousand dollars, which is hereby appropriated out of any money in the Treasury not otherwise appropriated, shall be used to purchase or have built another Oyster Watchboat for the purpose of guarding the oyster beds in the Delaware Bay and its tributaries belonging to the State of Delaware.

Governor
authorized to
sell old Oyster
Watchboat

Proceeds where
deposited

\$5,000 appro-
priated to
purchase new
Watchboat

Section 2. The Governor or such person as he may name and appoint is hereby authorized and directed to purchase, in the name of the State, or have built before the sale of the old Watchboat, as provided for in Section 1, a Watchboat, the propelling power of which shall be both wind and motor power, said boat to be used for the purpose of guarding the oyster interests of the State of Delaware, in the Delaware Bay and its tributaries. Said Boat shall take the place of, and perform the same duties, as the present Watchboat, and shall be subject to the same requirements of law.

Governor
authorized to
purchase new
Watchboat

Section 3. The sale of the old Watchboat and the purchase or building of a new one shall be under the supervision of the Governor or such person as he may name and appoint and his warrant shall be a sufficient authority for the State Treasurer to pay the above stated amount or so much thereof as may be necessary to the parties furnishing the new Watchboat.

Governor to
have supervi-
sion of sale of
old and pur-
chase of new
Watchboat

Approved April 4, A. D. 1907.

OF FISH, OYSTERS AND GAME.

CHAPTER 153.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection and Preservation of Wild Ducks.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful to
hunt wild
ducks in
Indian River
and Rehoboth
Bay in boats
propelled by
means other
than oars

Section 1. That it shall be unlawful to hunt wild ducks in or on Indian River or Rehoboth Bay in this State, with or shoot them from boats, propelled by sails or motor power or any means other than by oars.

Section 2. That any person violating the provisions of this Act shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State shall be fined not less than Five Dollars for each and every offence.

Penalty

Approved April 11, A. D. 1907.

OF DITCHES.

CHAPTER 154.

OF DITCHES.

AN ACT Concerning the Draining of Swamps and Low Grounds, and to Facilitate the Laying out and Opening of Public Ditches.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That Section 18, Chapter 59 of the Revised Code, being Chapter 444, Volume 13, Laws of Delaware, be and the same is hereby amended by inserting after the word "dollar" and before the word "to" in the third line of said Section 18, the words "and fifty cents".

Section 18,
Chapter 59,
Revised Code
and Chapter
444, Volume 13,
amended,
relating to
draining
low lands

Section 2. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 9, A. D. 1907.

OF DITCHES.

CHAPTER 155.

OF DITCHES.

AN ACT for the Protection of Banks, Dams, Trunks, Sluices, Culverts, Flood-gates, Canals, Drains and Ditches.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Unlawful to
break any
bank, dam, &c
or fill up any
canal, &c.

Section 1. That if any person shall wilfully break, or injure any bank, dam, trunk, sluice, culvert, or flood-gate; or shall wilfully fill up, or obstruct any canal, drain or ditch, made, constructed, or cut, under the provision, or by authority, of any Act of Assembly, by any corporation, company, or individual; such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding One Thousand Dollars, or imprisoned for a term not exceeding six months, or both at the discretion of the Court; and such person shall also be liable in a suit for damages that may be sustained by such corporation, company or individual.

Penalty

Section 2. That all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved February 14, A. D. 1907.

OF ROADS AND BRIDGES.

CHAPTER 156.

OF ROADS AND BRIDGES.

AN ACT to Provide a System for the Repair and Improvement of the Public Roads, Bridges and Causeways in New Castle County, for the Collection of Hundred Road Taxes Heretofore Assessed and Levied, and to Repeal all Acts Inconsistent Therewith.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the first day of April, A. D. 1907, the office of road commissioner, and of commissioner of roads, and road overseer shall be abolished in all the hundreds in New Castle County, and from and after the last mentioned date the persons who now by law are filling the said offices shall, until the first day of April, A. D. 1911, fill the offices and perform all the duties of road supervisors in their respective hundreds as the said office is in this Act hereinafter provided for.

Road Commissioners and Road Overseers, &c. in New Castle County abolished

Road Supervisors substituted

Section 2. That from and after the said first day of April, A. D. Nineteen Hundred and Seven, the public roads, bridges and causeways in New Castle County shall be under the control of the Levy Court of the said county as hereinafter prescribed, provided, however, that nothing contained in this act shall affect in any way the care and control over any public road, bridge or causeway which is now, or hereafter may be by law reposed in the Levy Court of the said county.

Roads in said County under supervision of Levy Court

Proviso

Section 3. The said Levy Court shall, at its first meeting in April, in the year A. D. 1907, appoint a competent and skilled person who shall be known as the county road engineer, and there shall be paid to him by the said Levy Court a salary of Twenty-five hundred Dollars (\$2500.00) per annum, payable monthly. The said county road engineer shall hold office for the term of four years next succeeding his appointment, unless sooner removed by the said Levy Court. The said Levy Court shall have the power at any time to remove any person occupying the position of county road engineer for incapacity, neglect of his duties or other suit-

County Road Engineer to be appointed by Levy Court

Salary

Term

Levy Court may remove for cause

OF ROADS AND BRIDGES.

New Castle
County State
Highway Com-
missioner may
be appointed

able cause, and to appoint his successor. It shall be no objection to said county road engineer that he shall also hold the office of New Castle County State Highway Commissioner under the provisions of Chapter 139, Volume 23, Laws of Delaware, provided that if one person shall fill both of said offices, the salary paid to him by the said Levy Court shall be Fifteen Hundred Dollars (\$1500.00) per annum, payable monthly.

Road Super-
visors, appoint-
ment of

Section 4. The said Levy Court, commencing with the year 1911, shall, at its first meeting in April of every year, appoint some suitable person to be a road supervisor for each of the hundreds in New Castle County who shall reside in the hundred for which he is appointed; the said hundred road supervisor shall be paid per diem wages to be fixed by the Levy Court, for the time he is actually engaged in work, the same to be paid monthly, as hereinafter provided. The said hundred road supervisors shall hold office until the first day of the month of April succeeding his appointment, unless sooner removed by the Levy Court. The said Levy Court shall have the right at any time, to remove any hundred road supervisor for incapacity, neglect of his duties, or other suitable cause, and to appoint his successor. It shall be the duty of each hundred road supervisor upon the expiration of his term, or his personal representatives immediately after his death, to deliver to his successor all of the property belonging to the hundred or county, in his or their possession.

Compensation
of

Term of

Removal of

Duty of

County Road
Engineer,
powers and
duties of

Section 5. The said county road engineer, under the direction of and subject to the approval of the said Levy Court, shall have charge of making and repairing the public roads, bridges and causeways in New Castle County; he shall personally direct what changes, repairs or improvements shall be made in the public roads, bridges and causeways in said county, and shall direct the same to be made by the hundred road supervisors in the respective hundreds, and except in case of repairs on a road, bridge or causeway made necessary by accident, and where immediate repairs are necessary, the hundred road supervisor shall not make any alteration, repair or improvement in any of the public roads, bridges or causeways in New Castle County, except by and under the direction of the said county road engineer. It shall be the duty of

OF ROADS AND BRIDGES.

the said county road engineer to determine what changes or improvements are necessary to any of the said public roads, bridges or causeways, and to report the same promptly to the said Levy Court, and if such changes or improvements shall meet with the approval of the said Levy Court, to forthwith proceed to cause the same to be made by the said hundred road supervisors respectively. He shall report to the said Levy Court at its first meeting in April of each year what improvements and changes have been made by him during the preceding year, together with a detailed statement of the cost thereof, and with such recommendations in relation thereto as he may think necessary or desirable, including the amount which in his judgment will be required to be expended in the several hundreds of New Castle County for the coming year.

Report of

Section 6. The hundred road supervisors shall have charge, under the direction of the said county road engineer, of the roads, bridges and causeways in their respective hundreds, and shall in all things carry out the directions of the said county road engineer in relation thereto. They shall have power, under the direction of the said county road engineer, to employ such workmen and teams, and to purchase such materials as may be necessary for the purposes aforesaid, but they shall incur no obligation for work and labor, and materials without the approval of the said county road engineer, except in case repairs on a road, bridge or causeway may be necessary through accident, and which may require immediate attention. The bills for work, labor and materials contracted by the said hundred road supervisors shall be paid by the county treasurer upon the warrant of the said hundred road supervisors contracting the same, countersigned by the county road engineer and approved by the Levy Court and subject to the examination and approval of the county controller as provided by law in relation to the payment of moneys for county purposes, and no payment for such work, labor or materials shall be made by the county treasurer except as herein provided.

Road Supervisors to have charge of roads, &c.

Powers of

County Treasurer to pay bills on warrants of Supervisors, duly countersigned

Section 7. It shall be the duty of the Levy Court for said county at the same time, now or hereafter provided by law, in relation to the levy and assessment of county taxes, to

Levy Court to ascertain amount needed for roads in each hundred and levy tax to raise same

*So Enrolled.

OF ROADS AND BRIDGES.

ascertain what sum of money will be necessary for the roads, bridges and causeways, in the respective hundreds in this county for the coming year and calculate the rate thereof per centum on the duplicate of said hundred, approved by the said Levy Court, for the purpose of county taxation; and the said Levy Court shall lay the road tax accordingly in each hundred in said county, provided that the tax rate shall be uniform throughout the county, except in so far as real estate is now exempt by law from taxation for road purposes. The said taxes shall be assessed, levied and collected by the same persons, in the same way, and with the same powers in the collectors as are now provided for the assessment, levy, and collection of taxes for county purposes, but no officer or collector shall receive any compensation, other than his salary, for the assessment, levy or collection of any road tax except as is now or may hereafter be provided in relation to county taxes. All road taxes which have heretofore been assessed and levied in the several hundreds in New Castle County and are not collected by the 15th day of April, A. D. 1907, shall be collected by the collectors heretofore authorized by law to collect the same, who shall be invested with all the powers for the collection thereof now possessed by the collectors of county taxes.

Rate to be uniform throughout county

Process of raising said tax same as to raise other taxes

Road taxes now levied to be collected as old law provided

Application of road taxes

Section 8. The amount collected for road purposes under this act, shall be applied as follows:

1. To the payment of the wages of the hundred road supervisor for the hundred in which such taxes are collected.
2. To the payment of the principal and interest of the bonded indebtedness of said hundred as now provided by law.
3. To the payment of such amounts as may now be provided by law to any town, village or municipality in said hundred.
4. To the payment of the floating debt now existing against said hundred; provided, however, that not more than one-fourth of the actual amount received from road taxes shall be applied in any one year to the payment of the floating debt of said hundred, and further provided that the amount so paid shall be distributed ratably among the persons holding claims against said hundred.

OF ROADS AND BRIDGES.

5. To the maintenance and improvement of the public roads, bridges and causeways in said hundred as herein provided.

Section 9. The said Levy Court is hereby authorized and empowered to purchase for the use of the county such tools, implements, machinery and supplies as may be necessary in their judgment in connection with the maintenance and improvement of the said public roads, bridges and causeways, and to engage and employ such persons as may be necessary to use the same. Such tools, implements, machinery and supplies shall be the property of New Castle County and shall be used as may be directed by the said county road engineer, subject to the approval of the said Levy Court. The said Levy Court shall have the right to charge each hundred in said county with the actual expense incurred by it in the use of such tools, implements, machinery and appliances within said hundred, and shall receive payment therefor from the road taxes collected as herein provided.

Levy Court authorized to purchase tools, implements, &c. for road improvements.

Section 10. It shall be the duty of the road commissioners and commissioners of roads and collectors of road taxes in the several hundreds in New Castle County to pay to the county treasurer on the first day of April, 1907, all sums of money which may then be in their hands collected from road taxes; and it shall also be the duty of the said road commissioners and commissioners of roads and the road overseers in each hundred to hand over to the hundred road supervisor, when appointed, the tools, implements and supplies belonging to or in the custody of the said road commissioners or commissioners of roads or overseers in the respective hundreds; the said money to be credited to the said hundred and the said tools, implements and supplies to be used by the hundred road supervisor for the said hundred, appointed as herein provided. It shall also be the duty of the road commissioners and commissioners of roads in the several hundreds in said county to prepare a list of the names, addresses and amounts due all persons to whom the said road commissioners and commissioners of roads may be indebted on the said first day of April 1907, and to hand or transmit the same, together with all books, papers and accounts belonging to them to the said Levy Court on or before the

Road Commissioners to pay to County Treasurer all taxes collected under old law

Also to turn over to Road Supervisor all machines, tools, &c.

Also to furnish list of persons to whom Hundred owe anything

Also to turn over books, accounts, &c. to Levy Court

OF ROADS AND BRIDGES.

said first day of April, A. D. 1907. If any road commissioner or commissioners, commissioner of roads or commissioners of roads, overseer or overseers shall fail to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than \$25 nor more than \$500, and in addition thereto an amount equal to double the value of such money, tools, implements and supplies not delivered by him or them as herein provided.

Penalty for failure

Levy Court may advance money to remove snow &c

Section 11. The said Levy Court is hereby authorized, in case of extraordinary emergency, or in case that it shall become necessary to remove snow, or other obstruction from the said roads, causeways and bridges and there shall not be sufficient funds to the credit of any hundred so to do, to advance to the said hundred a sum sufficient for that purpose, to be repaid to the said Levy Court out of the first money realized from road taxes collected in said hundred.

Saving operation of Chapter 579, Volume 18

Section 12. Nothing contained in this act shall be construed to repeal the provisions of Chapter 579, Volume 18, Laws of Delaware, except that the said Levy Court shall be governed by the provisions of said act as the same have heretofore applied to the road commissioners and commissioners of roads of the several hundreds in said county.

Taxable not permitted to work out taxes

Section 13. No taxable shall hereafter be permitted to pay the road tax assessed against him by the furnishing of work, labor or materials, but such taxes shall be paid only in money.

Said Engineer under control of Levy Court

Section 14. That at all times the said county road engineer in the performance of his duties shall be subject to the control and direction of the said Levy Court.

Section 15. All Acts and parts of acts inconsistent herewith are hereby repealed.

Present Road Commissioners may appoint Road Supervisors

Section 16. That each Road Commissioner and each Commissioner of Roads in the several hundreds of New Castle County continued in office as Road Supervisors under the provisions of Section 1 shall have the right to appoint some capable person to perform the duties of Road Supervisor for such Road Commissioner or Commissioner of

OF ROADS AND BRIDGES.

Roads, such appointee to be approved by the Levy Court Commissioners for New Castle County.

The person so appointed shall be paid such compensation for his services as may be agreed upon between such Road Commissioner or Commissioner of Roads so continued in office and his said appointee. The compensation allowed by the Levy Court to such Road Commissioner or Commissioner of Roads, so continued in office, for the performance of the duties of Road Supervisor under this Act shall be paid to such Road Commissioner or Commissioner of Roads, who shall be responsible to his said appointee for his compensation agreed upon as aforesaid. Such Road Supervisors so appointed by such Road Commissioners or Commissioners of Roads in the several hundreds shall have no claim upon said Levy Court for compensation for their services, and the terms of such Road Supervisors, so appointed by such Road Commissioners or Commissioners of Roads, shall expire on the first day of April, A. D. 1911. Provided that nothing in this section shall prevent any Road Commissioner or Commissioner of Roads, in any hundred continued in office as Road Supervisor in such hundred, from personally performing the duties of Road Supervisor if he so elect."

Compensation

To be paid to
Road Com-
missionerSuch Supervi-
sor to have no
claim against
Levy Court

Proviso

Approved March 29, A. D. 1907.

OF ROADS AND BRIDGES.

CHAPTER 157.

OF ROADS AND BRIDGES.

AN ACT in Relation to the Roads and Highways in Christiana Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Christiana
Hundred
divided into
three road
districts

Section 1. That on and after the passage of this Act, Christiana Hundred shall be divided for the purpose of repairing and maintaining the roads and highways therein as follows:—

District Number One shall include all of the said Hundred south of and including the Lancaster Turnpike; District Number Two shall include all of said Hundred north of and including the road commencing at Rockland, leading to Montchanin to Kennett Turnpike, thence along the Kennett Turnpike to the New Road and leading by its various courses to a point near Wilson's Mill on Red Clay Creek; District Number Three shall include all of the said Hundred lying between District Number One and District Number Two.

Money to be
equally divid-
ed in each
district

Section 2. That all moneys collected for road purposes in said Hundred shall be divided equally among the Commissioners assigned to said Districts for use upon the roads and highways of their respective Districts. All general expenses shall be borne equitably by all of the Districts.

Commission-
ers must
reside in
district

Section 3. That after the passage of this Act all Road Commissioners elected in Christiana Hundred must be residents of the Districts for which they are elected.

Approved February 25, A. D. 1907.

OF ROADS AND BRIDGES.

CHAPTER 158.

OF ROADS AND BRIDGES.

AN ACT Regulation Travel over the Bridge at Seaford over the Nanticoke River.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act it shall be unlawful for any person to drive his horse or horses over the bridge at Seaford over the Nanticoke River faster than a walk; and any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace of Sussex County shall pay a fine of five dollars or be imprisoned in the common jail in Sussex County at Georgetown for not more than ten days, or both, at the discretion of the Justice of the Peace who hears and determines the matter.

Unlawful to
drive over
Seaford bridge
faster than
walk

Penalty

Approved April 4, A. D. 1907.

OF ROADS AND BRIDGES.

CHAPTER 159.

OF ROADS AND BRIDGES.

AN ACT Regulating Travel over the Bridge at Laurel over the Laurel River

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful to
drive horse
over Laurel
bridge faster
than walk.

Section 1. That from and after the passage of this Act it shall be unlawful for any person to drive his horse or horses over the bridge at Laurel over the Laurel River faster than a walk; and any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace of Sussex County shall pay a fine of five dollars or be imprisoned in the common jail of Sussex County at Georgetown for not more than ten days, or both at the discretion of the Justice of the Peace who hears and determines the matter.

Penalty

Approved April 4, A. D. 1907.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 160.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to Secure the Purity of Foods and Drugs and to Prevent Deception in the Distribution and Sale Thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That it shall be unlawful for any person to manufacture, dispense, sell or offer for sale, within the limits of this State, any article of food or drug which is adulterated within the meaning of this Act.

Unlawful to manufacture or sell adulterated articles of food or drugs

Section 2. The term "drug", as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopoeia, National Formulary or American Homeopathic Pharmacopoeia for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food", as used herein, shall include all articles used for food, drink, confectionary, or condiment, by man or other animals whether simple, mixed or compound. When a substance answers both descriptions, a "food" and a "drug" as above defined, the purpose for which it was manufactured, dispensed, sold, or offered for sale as the case may be, shall determine its character.

"Drugs" defined

"Food" defined

GENERAL PROVISIONS RESPECTING TRADE.

"Adulterated"
defined

Section 3. For the purposes of this Act an article shall be deemed to be adulterated:

As to drugs

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia, National Formulary or American Homeopathic Pharmacopoeia, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia, National Formulary or American Homeopathic Pharmacopoeia, unless the order calls for an article differing from such standard, or unless such difference is made known or so appears to the purchaser at the time of each sale.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

But in no case shall a drug be deemed to be adulterated, as differing from the proper standard, when the variation is caused by the evaporation of any volatile ingredient or by other change beyond control, happening after the manufacture of the same, provided that due care be taken to preserve its integrity.

As to food

In case of food.

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredients which may render such article injurious to health.

Sixth. If it consists in whole or in part of a filthy, de-

GENERAL PROVISIONS RESPECTING TRADE.

composed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Section 4. Provided that the provisions of this Act shall not apply to articles of food, or to mixtures or compounds of foods, offered for sale in this State, when prepared, labeled, branded, or inspected, in compliance with Federal Laws and department regulations established thereunder.

Act not to affect articles sold, &c. pursuant to Federal law

Section 5. An offense shall not be deemed to be committed under this Act in the following cases: (1) where the order calls for an article of food or drug inferior to such standard and such difference is made known at the time; (2) where the article of food or drug is mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight or measure or conceal its inferior quality, if at the time such article is delivered to the purchaser, it is made known to him that such article of food or drug is so mixed.

Exceptions to operations of act

Section 6. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States, from whom he purchases such articles, to the effect that the same are not adulterated within the meaning of this Act or the National Food and Drugs Act of June 30, 1906. Said Guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Dealer protected when guaranty of wholesaler, &c. is established

Guaranty, to contain what

Guarantor liable

Section 7. It shall be the duty of the Board of Health of the State of Delaware to enforce all the provisions of this Act and to promulgate rules and regulations to carry out the same so far as they relate to foods; and it shall be the duty of the State Board of Pharmacy to enforce all the provisions of this Act and to promulgate rules and regulations for carrying out the same so far as they relate to drugs, including proper methods for handling volatile and variable drugs.

Board of Health to enforce the provisions of this act as to foods

Board of Pharmacy to enforce as to drugs

GENERAL PROVISIONS RESPECTING TRADE.

Rules and regulations

Such rules shall provide for the examination and analysis of specimens and shall give the party from whom the same is obtained opportunity to verify any findings and to be heard before prosecution. The rules and regulations officially prescribed for the enforcement of the Act of Congress, approved June 30, 1906, entitled, "An Act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein and for other purposes," so far as applicable, shall be adopted by the said officials for the enforcement of this Act.

Violation of act a misdemeanor

Penalty

Section 8. Whoever knowingly violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars, in the discretion of the Court; said fine to be paid to the State Treasurer.

Expenses, how paid

Section 9. The expenses incurred by all officials in performing duties imposed by the provisions of this Act, including reasonable compensation for services rendered, shall be paid by requisition upon the State Treasurer, when approved by the Governor, out of funds in hand not otherwise appropriated.

"Person" defined

Section 10. The word "person" as used in this Act shall be construed to import both the singular and plural, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person.

All acts of officers, agents, &c. of corporation declared act of such corporation

Act to go into effect Oct. 1st, 1907

Exceptions

Section 11. This Act shall go into force and effect on the first day of October, nineteen hundred and seven, but shall not apply to packages then in stock.

Approved April 9, A. D. 1907.

GENERAL PROVISIONS RESPECTING TRADE.

CHAPTER 161.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to amend Chapter 411, Volume 14, Laws of Delaware, entitled "An Act to Protect the People from the Dangers resulting from the use of Petroleum, Coal Oils and Burning Fluids," by increasing the Fire Test and providing for the method and manner of making such tests, and by whom such tests shall be made.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1 of the said Act be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof, the following:—

"Section 1. That on and after the first day of July next, it shall not be lawful to sell, or offer for sale, within the limits of this State, any kerosene, headlight or other oil for illuminating purposes produced from petroleum, which will not bear the fire test of at least one hundred and fifteen (115) degrees Fahrenheit. Said fire test shall be determined by the use of the Tagliabue instrument or apparatus in method and manner as follows:—Partially fill the metal cup with water about sixty (60) degrees Fahrenheit temperature, leaving room for displacement by the glass oil cup; fill the glass oil cup with the oil to be tested, to within one quarter ($\frac{1}{4}$) of an inch of the top of the cup, remove all oil from the top edge of the cup, using soft paper for such purpose; see that surface of oil in the cup is free from air bubbles; suspend the thermometer with the bulb just below the surface of the oil; heat with a small alcohol flame; when the thermometer indicates one hundred (100) degrees Fahrenheit; remove flame and allow temperature to run up to one hundred and three (103) degrees Fahrenheit; at which point try for flash with small bead of fire on the end of a string, or otherwise, held not less than one quarter ($\frac{1}{4}$) of an inch above the surface of the oil; if the oil does not flash, or if it flashes and does not continue to burn, replace flame, work temperature up four (4) degrees Fahrenheit more, then remove flame, allow tem-

Chapter 411,
Volume 14,
amended

Sale of certain
coal oil pro-
hibited

"Fire test,"
how made

GENERAL PROVISIONS RESPECTING TRADE.

perature to run up three (3) degrees Fahrenheit more and again try to flash; if the oil flashes, or if it flashes and does not continue to burn, repeat this operation until one hundred and fourteen (114) degrees Fahrenheit are reached, at which point, if the oil does not flash, or if it flashes and does not continue to burn, it shall be deemed and considered as of not less than one hundred and fifteen (115) degrees fire test; but the oil thus tested shall not be deemed or considered as of not less than one hundred and fifteen (115) degrees fire test if it flashes and continues to burn at one hundred and fourteen (114) degrees Fahrenheit, or at a lower temperature. The temperature in making the test as above set forth shall not be raised or allowed to rise in any instance faster than two (2) degrees Fahrenheit per minute."

Section 2. That Section 2 of said Act be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof, the following:—

State Chemist
to make said
tests

proviso

Sample, quan-
tity of and
how delivered

Fee for test

By whom paid

"Section 2. That it shall be the duty of the State Chemist of this state to make tests in the method or manner as provided in Section 1 of this Act, to determine the fire test of any sample of kerosene, headlight or other oil for illuminating purposes produced from petroleum, sold or offered for sale in this state, which any citizen thereof may forward to the State Chemist for such test; provided that each sample so sent shall not be less in quantity than one (1) pint, and shall be forwarded by express, charges prepaid, contained in a glass, earthen or metal receptacle which has not been used to contain any other substance, securely sealed and accompanied by a fee of one dollar; and if such sample stands the legal fire test above described, and will not burn below one hundred and fifteen (115) degrees Fahrenheit, the State Chemist may retain said one dollar as a fee, but in event of said sample failing to stand said legal test, by burning below one hundred and fifteen (115) degrees Fahrenheit, the said one dollar shall be returned to the sender, and a fee of (\$5.00) five dollars charged against the dealer from whom said sample has been obtained, which shall be collected in the same manner as fines are collected, subject to the same rights of appeal.

The State Chemist shall have the right to take from any

GENERAL PROVISIONS RESPECTING TRADE.

reservoir, tank, barrel, can or other receptacle in this state used for holding or storing kerosene, headlight or other oil for illuminating purposes produced from petroleum, a sample not exceeding one (1) pint from any such receptacle, for the purpose of submitting and subjecting such oil to a fire test as herein provided in Section 1 of this Act.

State Chemist
may sample
any receptacle
for fire test

It shall be the duty of the State Chemist when a sample so tested, of kerosene, headlight or other oil for illuminating purposes produced from petroleum shall be found to be of a fire test less than that required by the provisions of this Act, to report the fact to the Attorney General of this state, giving the name of the owner or owners of the oil in any reservoir, tank, barrel, can or other receptacle from which the sample so tested was taken, together with a certificate showing the result of such fire test; and it shall be the duty of the Attorney General of this State, upon receipt of such report and certificates from the State Chemist, to proceed under the provisions of this Act in a court of competent jurisdiction against the owner or owners of such kerosene, headlight or other oil for illuminating purposes produced from petroleum, from which the sample so tested was taken, if such owner or owners be individuals, and against the officers thereof if the owner of such oil be a domestic corporation, and against the resident agent in this state if the owner of such oil be a foreign corporation or non-resident individual or copartnership;” And the penalty for violating any of the provisions of this Act shall be, upon conviction, a fine of not more than two hundred dollars, in the discretion of the Court.”

Duty of State
Chemist to
report to Attor-
ney General
name of dealer
selling oil
under legal
test

Duty of Attor-
ney General
to prosecute

Penalty for
violation
of act

Approved March 15, A. D. 1907.

GENERAL PROVISIONS RESPECTING TRADE.

CHAPTER 162.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT entitled "An Act to Regulate the Business of Pawn Brokers and Junk Dealers within New Castle County, and Repealing Chapter 374, Vol. 20, Laws of Delaware, and Chapter 14, Vol. 21, Laws of Delaware".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Clerk of Peace of New Castle County to issue licenses to pawn brokers and junk dealers

Qualification of applicant

License, what to contain

"Pawn broker" defined

"Junk Dealer" defined

Section 1. That the Clerk of the Peace of New Castle County shall from time to time grant licenses under his hand and official seal to such persons, citizens of the State of Delaware, and corporations existing under the Laws of the State of Delaware, as shall furnish him satisfactory evidence of the good repute of such persons and corporations to engage in and carry on the business of pawn broker or junk dealer, which licenses shall designate the building or buildings in which such said person or corporation shall carry on said business; no person or corporation shall engage in or carry on the business of pawn broker or junk dealer in said New Castle County without having been duly licensed by the Clerk of the Peace of said County nor in any other building or buildings than the one or ones designated in said license. Any person, corporation or firm making a business of loaning money on the deposit or pledge of personal property or other valuable things, other than printed evidences of indebtedness, or any person, corporation or firm dealing in the purchase of personal property or other valuable things on condition of selling the same back again at the stipulated price to the seller or his, her or its assignee or assignees, is hereby declared and defined to be a pawn broker, under this Act. Every person whose business it is to buy or sell old iron, brass, lead, copper or other metals or combination of metals, paper, second-hand clothes or any second-hand personal property of any kind or description whatsoever, is hereby declared and defined to be a junk dealer under this Act, provided however that none of the provisions of this Act shall apply to persons dealing in second-hand books.

GENERAL PROVISIONS RESPECTING TRADE.

Section 2. That every person, corporation or firm receiving such license for conducting the business of pawn broker shall pay therefor to the Clerk of the Peace of New Castle County the sum of twenty-five dollars (\$25.00) for the use of New Castle County; and every person, corporation or firm receiving such license for conducting the business of junk dealer shall pay therefor to the Clerk of the Peace of New Castle County the sum of fifteen dollars (\$15.00) for the use of New Castle County.

Section 3. That every person, corporation or firm so licensed to carry on the business of a pawn broker shall at the time of receiving such license or before same shall become operative, enter with sufficient surety into a joint and several bond with a warrant of attorney for the confession of judgment thereto attached, to the State of Delaware, in the penal sum of one thousand dollars (\$1,000.), conditioned for the due observance of all such laws of the State of Delaware as may be passed or enforced respecting pawn brokers at any time during the continuance of such license; such bond to be filed with the Clerk of the Peace of New Castle County. If any person shall be damaged by the misconduct of any licensed pawn broker, and shall recover judgment against such licensed pawn broker therefor, such person may after the return unsatisfied, either in whole or in part of any execution issued upon said judgment, maintain an action in his own name upon the bond of said pawn broker in any court having jurisdiction of the amount claimed, provided such court shall upon application made for the purpose, grant such leave to prosecute.

Section 4. That every person, corporation or firm so applying for such license to conduct the business of a pawn broker shall first effect an insurance against fire for one thousand dollars (\$1000.) for the protection of goods, pawned or pledged, which amount of insurance shall be increased at any time to any sum not exceeding five thousand dollars (\$5000.) upon demand by the Clerk of the Peace of New Castle County. Such policy of insurance shall state on its face that it is issued for the protection of pawned or pledged goods and shall be assigned to the Clerk of the Peace of New Castle County for the purpose of protecting

Fee for license
for Pawn
broker

Junk dealer

Pawn broker
to give bond

Where filed
Person dam-
aged by mis-
conduct of
Pawn broker,
when may
resort to bond

Pawn broker
must carry
\$1,000 insur-
ance

Policy to state
on its face that
it is for protec-
tion of pawned
goods

GENERAL PROVISIONS RESPECTING TRADE.

against loss any person or persons whose goods, wares, merchandise or chattels having been so pawned or pledged may be lost or damaged by fire.

Pawn brokers
and Junk
dealers to keep
records, &c.

Records, what
to contain

Police depart-
ment of Wil-
mington to
furnish said
records

Section 5. That every person, corporation or firm conducting the business of a pawn broker or junk dealer shall keep a book or books in which shall be fairly written in English at the time of each loan or purchase an accurate account and description of the goods, articles or things pawned, pledged or purchased, the amount of money loaned thereon or the amount of money paid therefor, the time of pledging or purchasing the same and the rate of interest to be paid on such loan, together with the description of the person pawning or pledging or selling such goods, articles or things, including the color of his complexion, color of eyes and hair and his or her stature and general appearance. The said book or books shall be prepared by and furnished to such person, corporation or firm so conducting the business of a pawn broker or junk dealer by the police department of the City of Wilmington at the expense of such person, corporation or firm so conducting the business of pawn broker or junk dealer. "In addition to the provisions of this Act, herein specified, it shall also be the duty of any person or persons engaged in the business of Pawn Broker, to furnish to each applicant or customer a ticket on which is printed a number corresponding with the number used to identify the article placed in pawn, also the amount given in cash, together with all charges, and the total amount to be paid when article is to be redeemed. There shall also be duplicate tickets as above which shall at the end of each week be returned to the Chief of Police of the City of Wilmington."

Pawn broker
to deliver
memorandum
to person
pledging

To contain
what

Section 6. That every pawn broker shall at the time any loan is made on goods, articles or things, delivered to the person pawning or pledging such goods, articles or things a memorandum or note, signed by such person, corporation or firm and containing an account and description of the goods, articles or things pawned or pledged, and no charge shall be made or received by any pawn broker for any such entry, memorandum or note.

Section 7. The said book, so provided for in Section 5,

GENERAL PROVISIONS RESPECTING TRADE.

of this Act shall at all times be opened to the inspection of the Judge of the municipal court of the City of Wilmington, the Attorney-General, the Deputy Attorney-General of the State, the Chief of Police and the Police Officers of the City of Wilmington, the State detectives and other peace officers resident in New Castle County.

Record opened
to inspection
of certain
officers

Section 8. That no person, corporation or firm so conducting the business of a pawn broker shall ask, demand or receive a greater rate of interest than eight per centum per month on any loans secured by pledge of personal property, provided however that where such loan is secured by pledge of personal property requiring extra care to prevent injury or loss during disuse, such person, corporation or firm may charge such reasonable sum for storing and taking care of the same as such person, corporation or firm shall deem reasonable, not to exceed three per centum per month.

Maximum
rate of interest
allowed

Exception

Section 9. That no person, corporation or firm so conducting the business of a pawn broker shall sell any goods, articles or things pawned or pledged until the same shall have remained at least four months in the possession of such person, corporation or firm, provided however, that wearing apparel may be sold by such person, corporation or firm after the same has remained in the possession of such person, corporation or firm for the period of two months. "And provided that no person, corporation or firm so conducting the business of a pawn broker shall take and receive as a pledge or pawn any workman's tools nor shall any such person, corporation or firm take or receive as a pledge or pawn any artificial limbs, or other appliances useful to and necessary to the convenience or comfort of any cripple or person deprived in part or whole of any natural limb."

Sale of pledged
article, when

Exceptions

Section 10. That no sale shall be made by any person, corporation or firm conducting the business of a junk dealer of second hand personal property in their possession, until after the expiration of thirty days from the time such second hand personal property shall have come into the possession of such person, corporation or firm. "And provided that no person, corporation or firm so conducting the business of a Junk Dealer shall take from or receive by purchase, gift or

Sale by Junk
dealer, when

GENERAL PROVISIONS RESPECTING TRADE.

otherwise any second hand personal property whatsoever from any minor."

Pledged article to remain in Pawn broker's house for 4 months

Section 11. That no articles, goods, property or things of any kind received on deposit by purchase or as a pledge by such person, corporation or firm so conducting the business of a pawn broker shall be permitted to be removed from the place of business of such pawn broker for a period of four months from the time of such deposit, purchase or pledge, (except the same be redeemed by the owner), and provided however that wearing apparel shall not be removed from such place of business for a period of two months, nor shall any article, goods, property or thing coming into the hands or possession of any person, corporation or firm conducting the business of a pawn broker or junk dealer be disfigured or its identity destroyed or affected in any manner so long as it continues in the possession of such pawn broker or junk dealer.

Exceptions

Pledged article not to be disfigured nor identity destroyed

Certain officers may make search in building, examine any pledged articles and make seizure

Section 12. It shall be the duty of every person, corporation or firm engaged in the business of a pawn broker or junk dealer under this Act and of every person employed in the conduct of such business to admit to any and every part of the premises designated in the license at any time any member of the police force of the City of Wilmington or other peace officer of the State to examine any goods, articles, things, pledges, pawns, book or books or other record on the premises, and to search for and to take into possession any article known or believed by such police officer of the City of Wilmington or peace officers of the State to have been stolen, and such police officer of the City of Wilmington and peace officer of the State is hereby given full power and authority to make any such search or seizure as is provided for in this Act.

Such dealers to take out license and duly qualify before doing business

Section 13. That no person, corporation or firm shall within the limits of New Castle County carry on the business of a pawn broker or junk dealer without first having taken out a license and duly qualified as provided in this Act.

Duty of such dealers to seize stolen goods and notify certain officers

Section 14. That it shall at all times be the express duty of any person, corporation or firm so conducting the business of a pawn broker or junk dealer to seize or take into

GENERAL PROVISIONS RESPECTING TRADE.

possession any goods offered to such person, corporation or firm as a pledge or pawn or for sale, which such person, corporation or firm has reason to believe has been stolen and it shall further be the duty of such person, corporation or firm to immediately notify the police department of the City of Wilmington of such seizure together with the description of such person or persons offering such goods for sale, pawn or pledge.

Section 15. That in the month of November of each year, it shall be the duty of the County Comptroller of New Castle County to audit the accounts of the Clerk of the Peace of the said County, with such persons, corporations, or firms as have been licensed to conduct the business of pawn broker or junk dealer and to report in writing the result of his audit to the Levy Court Commissioner of New Castle County within thirty days thereafter.

County Comptroller to audit books of Clerk of Peace and to report to Levy Court

Section 16. That any person, corporation or firm violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction therefor shall forfeit and pay a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1000.) for the use of New Castle County. "Provided that in default of the payment of any fine imposed under the provisions of this Section the Court shall impose upon conviction a term of imprisonment of not less than one month nor more than one year for each and every offense."

Penalty for violation of act

Section 17. That Chapter 374, Vol. 20, Laws of Delaware being an Act regulating the business of pawn brokers and junk dealers within New Castle County be and the same is hereby repealed, and that Chapter 14, Vol. 21, Laws of Delaware, being an Act to amend the Act entitled "An Act to Regulate the Business of Pawn Brokers and Junk Dealers within New Castle County", and to re-enact the provisions of said Act, be and the same is hereby repealed.

Chapter 374, Volume 20, repealed

Chapter 14, Volume 21, repealed

Approved April 9, A. D. 1907.

GENERAL PROVISIONS RESPECTING TRADE.

CHAPTER 163.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT for the Protection of Persons under the Influence of Intoxicating Liquors and Drugs, in the Disposal of Wearing Apparel and Household Goods.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Junk dealer or
Pawn broker
prohibited
dealing with
intoxicated
persons as to
wearing ap-
parel or house-
hold goods

Section 1. No person, firm or corporation engaged in the business of dealing in second-hand goods shall knowingly purchase, and no person, firm or corporation engaged in the business of a pawn-broker shall knowingly accept in pledge or pawn, from any person under the influence of any intoxicating liquor or drug, any wearing apparel or household goods. Any person, whether acting for himself or for any person, firm or corporation engaged in the business aforesaid, violating this law shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding Fifty Dollars, or imprisonment not exceeding three months, or both.

Penalty for
violation of
act

Approved February 14, A. D. 1907.

GENERAL PROVISIONS RESPECTING TRADE.

CHAPTER 164.

GENERAL PROVISIONS RESPECTING TRADE.

"AN ACT in Relation to the Dressing of Certain Animals".

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch concurring therein):

Section 1. That from and after the approval of this Act, it shall be unlawful for any person or persons, firm, association or corporation to buy, sell, exchange, dress or deal in any carcass of sheep or lambs in the City of Wilmington with the heart, liver and lights, commonly called the "Pluck" in the body of any such animal or with the hoofs of either of said animals on them.

Unlawful to sell, &c. carcass of sheep and lambs unless dressed in certain manner

Section 2. That from and after the approval of this Act it shall be unlawful for any person or persons, firm, association or corporation to ship or bring into the City of Wilmington for sale, or for any person or persons, firm, association or corporation to receive any carcass of sheep or lambs with the heart, liver and lights commonly called the "Pluck" in the body of either or both said animals, or with the hoofs of either or both said animals on them.

Unlawful to ship into Wilmington carcass of sheep and lambs unless dressed in certain manner

Section 3. Any person or persons, firm, association or corporation, who shall violate any of the provisions of this Act, shall upon conviction thereof, be punished by a fine for the first offence, of not less than five nor more than ten dollars; for the second offence, not less than ten nor more than twenty dollars; and for a third and all subsequent offences, not less than twenty-five nor more than one hundred dollars; and any convicted person or any officer, agent or employee of a corporation convicted of any such offence who shall refuse or neglect to pay such fine may be imprisoned for a term not less than ten days nor more than six months.

Penalty for violation of act

Section 4. That all violations of this Act and offences against the same shall be misdemeanors, and the municipal

Jurisdiction of Municipal Court

GENERAL PROVISIONS RESPECTING TRADE.

Court of the City of Wilmington shall have jurisdiction to hear, try and determine them or any of them upon information by the Attorney General, his deputy, or the prosecuting officer of the municipal Court or any other person under oath.

Section 5. That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved April 9, A. D. 1907.

OF PRINCIPAL AND SURETY.

CHAPTER 165.

OF PRINCIPAL AND SURETY.

AN ACT to Prevent any Surety Company, any Trust Company or any Corporation engaged in the Surety Business in this State or the Agents of any such Company or Corporation for Making or Permitting any Distinction or Discrimination in favor of Applicants for Bonds of Suretyship of the same Class in the Amount or Payment of Premiums or Rates charges for Bonds or Suretyship and Providing a Penalty for Violation thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That no Surety Company, Trust Company or Corporation doing business in this State shall make or permit any distinction or discrimination in favor of applicants for bonds of suretyship between applicants of the same class and for the same kind of suretyship in the amount or payment of premiums charged for said bonds of suretyship when any such bond is filed in or required by any Court of Record in this State, nor shall any such Company or any agent thereof pay or allow, or offer to pay or allow, as an inducement to obtain bonds of suretyship of any kind whatsoever, any rebate of premiums payable on any bonds, or any special favor of advantage in the premiums payable on said bonds, nor shall any such company or the agent thereof allow to anyone other than a duly authorized agent of said Company, and duly qualified to act as such in this State, any rebate, commission or other valuable consideration as an inducement for bringing bonds of suretyship to any of said Companies or agents thereof.

Discrimination by Surety Companies between applicants of same class prohibited

Such companies prohibited from giving rebate

Section 2. Any surety Company, trust Company or corporation doing a surety business in this State or the agent or agents of any such Company violating section one of this Act shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of Five Hundred (\$500.00) Dollars for each and every offense.

Penalty for violation of act

Approved April 23, A. D. 1907.

OF WEIGHTS AND MEASURES.

CHAPTER 166.

OF WEIGHTS AND MEASURES.

AN ACT Authorizing the Regulator of Weights and Measures in and for New Castle County to Inspect and Stamp Cans used for the Shipment of Milk and Cream.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Regulator of
Weights and
Measures to
inspect milk
cans

Section 1. It shall be the duty of the Regulator of Weights and Measures in and for New Castle County, to inspect, when requested so to do, by the owner or owners thereof, all cans used for the shipment of milk or cream, and to stamp on each can so inspected by him, in letters three-eighths of an inch in height, a mark of inspection, showing by whom inspected and its capacity in quarts, according to the standard measure for milk and cream in this State at the time of such inspection.

Compensation
of Regulator

Section 2. For inspecting each can and stamping, as provided in Section one of this Act, the said Regulator of Weights and Measures, in and for New Castle County, shall be paid by the owner or owners thereof at the time of such inspection, the sum of Ten Cents.

Approved March 29, A. D. 1907.

OF WEIGHTS AND MEASURES.

CHAPTER 167.

OF WEIGHTS AND MEASURES.

AN ACT to Determine the Standard Measure of Milk and Cream in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That from and after the approval of this act, the standard measure of milk and cream in this State shall be fifty-seven and seventy-five one-hundredths cubic inches for each and every quart thereof; and when sold, with no special agreement as to the measurement thereof, the quart shall consist of fifty-seven and seventy-five one-hundredths cubic inches. ^{Standard measure for milk}

Approved March 4, A. D. 1907.

OF RETAILERS OF GOODS AND PEDDLERS.

CHAPTER 168.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT Providing for the Licensing of Individuals, Associations of Persons, Firms or Corporations having their principal places of business without this State but maintaining within this State branch stores, warehouses, or distributing depots for the sale of products, goods, wares and merchandise; and fixing a rate of taxation therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Branch stores,
&c., with prin-
cipal store
without this
State to take
out license

Section 1. From and after the passage and approval of this Act every individual, association of persons, firm or corporation having its principal place of business without this State but maintaining within this State branch stores, warehouses, or distributing depots, for the sale of products, goods, wares, and merchandise, or any property of any description, either by the wholesale or retail, shall, annually, on or before the first of June, take out a license to engage in, prosecute, follow and carry on the said business and occupation of maintaining such branch stores, warehouses, or distributing depots, as aforesaid, for which he, she, it, or they, shall pay, for the use of the State, the sum of Five Dollars (\$5.00) to the Clerk of the Peace of each County in which such individual, association of persons, firm or corporation maintains any such branch store or stores, warehouse or warehouses, or distributing depot or depots, and the personal representative or agent within this State of any such individual, association of persons, firm or corporation shall, on or before the said first of June annually before taking out said license, file with the said Clerk of the Peace a true statement of the aggregate cost value of all the goods, wares, merchandise, produce, or other property which such personal representative or agent, as aforesaid, shall have received for sale in said business and occupation during the year immediately preceding the date of taking out said license. The said statement shall be verified by the oath or affirmation of such personal representative or agent, or if such personal representative or agent be a corporation, by the President

Fee for license

Statement filed
by manager of
such branch
store

Statement to
be verified

OF RETAILERS OF GOODS AND PEDDLERS.

thereof, the said oath or affirmation to be taken before any person who, by the laws of this State, is duly authorized to administer the same, that such aggregate cost value does not exceed the sum named; and such individual, association of persons, firm or corporation shall pay to the said Clerk of the Peace, for the use of the State, in addition to the above named sum of Five Dollars (\$5.00), the sum of One dollar (\$1.00) on the amount of such aggregate cost value, if the amount thereof does not exceed One thousand dollars (\$1000.00), but if it does exceed that amount, then the sum of ten cents for each One hundred dollars (\$100) of the said aggregate cost value thereof.

Additional
cost of license

The license shall authorize the person therein named to engage in the business and occupation aforesaid only at one place and only for one year from the first of June. In case any individual, association of persons, firm or corporation desires to engage in, follow and carry on the said business and occupation, he, she, it, or they not having been engaged in said business and occupation during the year immediately preceding, he, she, it, or they shall, before commencing said business and occupation, take out a license for the six months then next ensuing, first paying to the said Clerk of the Peace, for the use of the State, the sum of Five dollars (\$5.00), and, at the expiration of the said six months, he, she, it, or they, shall obtain another license which shall be valid until the first day of June following, upon filing with the said Clerk of the Peace a true statement, verified by oath or affirmation as aforesaid, and made by the person aforesaid, of the cost value of all the produce, merchandise, goods, wares and property which shall have been received for sale in said business and occupation during the preceding six months; and such individual, association of persons, firm or corporation, shall pay an equivalent tax as aforesaid, rated in proportion to the time during which said last mentioned license shall be valid. If any individual, association of persons, firm or corporation shall be engaged in, prosecute, follow or carry on, within the limits of this State, the said business and occupation without obtaining at the times above mentioned, a proper license therefor, and without paying the tax aforesaid he, she, it, or they, and the individuals composing such firm or association of persons, and each of

License,
effect of

Fractional
license.

Additional
license for bal-
ance of year

Penalty for
violation of
act

OF RETAILERS OF GOODS AND PEDDLERS.

them, and the President and Directors, and each of them, of such corporation and the personal representative or agent of any such individual, association of persons, firm or corporation, or any person who shall be for the time being in charge of any such branch store, warehouse or distributing depot, or if such personal representative, agent, or person in charge of such branch store, warehouse or distributing depot shall be a corporation, any officer or Director of such corporation, for every such offense shall be deemed guilty of a misdemeanor, and upon conviction thereof, besides being liable for the payment of the tax, shall be fined not exceeding Five hundred dollars.

Approved March 29, A. D. 1907.

OF RETAILERS OF GOODS AND PEDDLERS.

CHAPTER 169.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT to Repeal Chapter 153, Volume 23, Laws of Delaware which was "An Act to amend Chapter 162, Volume 22, Laws of Delaware, entitled "An Act in relation to Peddlers within the County of New Castle" as amended by Chapter 390, Volume 22, Laws of Delaware by exempting persons selling or peddling grain, provisions, provender, fruit, vegetables or other farm products from giving a bond to the State or paying a license.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Section 1. That from and after the passage of this Act Chapter 153, Volume 23, Laws of Delaware which was "An Act to amend Chapter 162, Volume 22, Laws of Delaware, entitled "An Act in relation to Peddlers within the County of New Castle" as amended by Chapter 390, Volume 22, Laws of Delaware by exempting persons selling or peddling grain, provisions, provender, fruit, vegetables or other farm products from giving a Bond to the State or paying a license," be and the same is hereby repealed.

Chapter 153,
Volume 23,
repealed

Approved April 9, A. D. 1907.

OF PILOTAGE, NAVIGATION AND VESSELS.

CHAPTER 170.

OF PILOTAGE, NAVIGATION AND VESSELS.

"AN ACT to Provide for the Condemnation of Lands and the Vesting of Title thereto in the Government of the United States for the purpose of improving and shortening the water course of St. Jones' River."

Preamble

Whereas, it is contemplated to shorten the course of St. Jones' River by the construction of a canal or canals, forming a continuation of the said St. Jones' River across certain marsh lands situated in East Dover Hundred, North Murderkill Hundred, and South Murderkill Hundred, in Kent County and the State of Delaware, and which said canal or canals when completed are intended to be devoted to public use as a free inland water way or water ways;

Preamble

And Whereas, the route of such canal or canals is to be defined and located by a survey or surveys;

Preamble

And Whereas, the said canal or canals are to be maintained as one of the public works of the United States;

Therefore Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

United States Government authorized to acquire title to lands for certain purposes

Section 1. That the consent of the Legislature be and the same is hereby given to the acquisition by the Government of the United States of the title to such lands within this State contiguous to the route of the said proposed canal or canals as may be necessary for the location and construction of the said canal or canals and its or their appurtenances; and all deeds, conveyances and other papers relating to the title thereof shall be recorded as in other cases in the office of the Recorder of Deeds, in and for Kent County: The consent herein and hereby given being in accordance with the eighteenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided. But notwithstanding such consent and concession the sovereignty and jurisdiction of this State shall extend over all lands, acquired by the United States within the

Sovereignty and jurisdiction retained in State of Delaware

OF PILOTAGE, NAVIGATION AND VESSELS.

limits of this State so far as all civil, and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which there may be erected thereon.

Section 2. That in order to vest title in the United States to such land as may be necessary for the location and construction of said canal or canals, not exceeding three hundred feet in width, in every case where the owner or owners of such lands are unknown, non-residents, or minors, or from any other cause are incapable of making perfect title to such lands, or where such owner or owners being residents and capable of conveying shall from disagreement in price or from any other cause whatever refuse to convey said lands to the United States, the United States, or its authorized agent in that behalf, or any other person, or persons, or corporation now or hereafter created, interested in navigation in the said St. Jones' River, may apply by petition to the Associate Judge of the State of Delaware, resident in Kent County, first giving the other party or owner or owners at least five days notice in writing, if within the State; and if the said party, owner or owners be without the State or unknown, then such notice shall be published for at least one issue in some newspaper in Kent County at least five days prior to the intended application, and the said Associate Judge shall appoint five judicious and impartial freeholders of Kent County to view the premises and assess the damages which the owner or owners will sustain by reason of the said canal or canals passing through, taking and occupying the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace or Notary Public, before entering on the premises, faithfully and impartially to perform the duties assigned them. They shall give ten days notice, in writing, to the owner or owners of the premises, or their guardian or guardians, duly appointed according to law, if within the State, and like notice to the party making the application or its president or duly authorized agent in that behalf, of the time of their meeting to view the premises; and the said commissioners shall certify their findings and award to both parties; but if either party is dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court of the

Also authorized to condemn lands for like purposes

Procedure

Application to Associate Judge

Notice to parties

Freeholders to view premises and assess damages

Freeholders to be sworn
Notice of meeting

Report of

OF PILOTAGE, NAVIGATION AND VESSELS.

Writ of ad
quod damnum

State of Delaware in and for Kent County, within ten days after such assessment, sue out a writ of ad quod damnum, requiring the Sheriff of Kent County, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final and conclusive; the said commissioners shall, in assessing the damages as aforesaid, award at least the actual cash value of the land so to be taken and used as aforesaid, whereupon the Government of the United States of America, upon its duly authorized agent in that behalf, or any other person, persons, or corporation now or hereafter created, interested in navigation in the St. Jones' River, paying the damages so assessed, shall be and become entitled to have, hold, use and enjoy the said lands for the purposes aforesaid, forever; and in case any owner of lands necessary and taken for the purposes of such canal or canals, shall be a minor or a non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, or upon failure to call upon the party making the application to the Associate Judge for the appointment of the freeholders as aforesaid, for the same, within ten days after the said damages shall have been determined as aforesaid, the amount of the said damages may be deposited to the credit of such owner or owners in The Farmers Bank of the State of Delaware, at Dover, subject to his, her or their order, whereupon the said Government of the United States of America shall be entitled to have, hold, use and enjoy the said lands and premises described and condemned in said report, and required for the purposes of the said canal or canals, for or on account of which said damages shall have been so assessed.

Payment of
damagesDeposit of said
damages when
may be madeCertificate of
deposit,
effect ofPapers, where
to be recorded

The certificate of the Cashier of the said Farmers Bank shall in all cases be evidence of the payment of the damages so assessed as aforesaid. All the papers incident to the condemnation proceedings aforesaid shall be recorded in the office for the Recording of Deeds, in and for Kent County and State of Delaware, and the originals, duly recorded, the record thereof or a duly certified copy thereof, shall be competent evidence in all courts of law or equity in this State.

Cost, how paid

The expenses of the assessment of the said Commissioners of the damages aforesaid and the fees of said Sheriff, Pro-

OF PILOTAGE, NAVIGATION AND VESSELS.

thonotary and all costs incurred in the execution of the writ of ad quod damnum shall be paid by the party applying to the Associate Judge for the appointment of the Commissioners as aforesaid.

Section 3. That this Act shall be deemed and taken to be a public act.

Approved March 21, A. D. 1907.

CHAPTER 171.

OF PILOTAGE, NAVIGATION AND VESSELS.

AN ACT in Relation to Shortening the Course of the Navigable Waters of Mispillion River.

Whereas It is contemplated to shorten the course of Mispillion River by the construction of three canals, forming a continuation of the said Mispillion River for distances of about nine hundred feet for the one and eighteen hundred feet for another, and ten hundred and fifty feet for the third, across certain marsh land situated in Milford and Cedar Creek Hundreds of Kent and Sussex Counties respectively, and the State of Delaware, so as to connect the waters of said Mispillion River and to shorten the course of the navigable waters of said River, which said canals are to be constructed by the Government of the United States, and when completed are intended to be devoted to public use as a free inland waterway. And Whereas, the route of such canals as aforesaid in the counties of Kent and Sussex, in this State, is to be defined and located by a survey made under the authority of the United States pursuant to the provisions of an Act of Congress in that behalf, and Whereas, the said canals are

Preamble

OF PILOTAGE, NAVIGATION AND VESSELS.

to be constructed by and maintained as one of the public works of the United States. Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

United States
Government
authorized to
acquire title to
lands for cer-
tain purposes

Section 1. That the consent of the Legislature be and the same is hereby given to the acquisition by the Government of the United States of the title to such lands within this State on or contiguous to the route of the said proposed canals as may be necessary for the location and construction of the said canals and their appurtenances; and all deeds, conveyances and other papers relating to the title thereof shall be recorded as in other cases in the office of the Recorder of Deeds in and for Kent County. The consent herein and hereby given being in accordance with the eighteenth clause of the eighth section of the first article of the Constitution of the United States and with the acts of Congress in such cases made and provided. But notwithstanding such consent and concession the sovereignty and jurisdiction of this State shall extend over all lands acquired by the United States within the limits of this State so far as that all civil and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which may be erected thereon.

Sovereignty
and jurisdic-
tion of State
of Delaware
retained

Also author-
ized to con-
demn lands
for like
purposes

Section 2. That in order to enable the United States to obtain title to land necessary for the location of the said canals, not exceeding three hundred feet in width, in every case where the owner or owners of such lands are unknown, non-residents, or minors, or from any other cause are incapable of making a perfect title to such lands, or where the said owner or owners being residents and capable of conveying shall from disagreement in price or from any other cause whatever refuse to convey said lands to the United States, the United States or its authorized agent in that behalf may apply by petition to the commissioners named in Section 3 of this Act for the appraisal of the value of the land intended to be appropriated for the construction of said canals and for the condemnation of the same, and when such condemnation shall have been made and the condemnation money paid or deposited as hereinafter provided, the title to the lands so condemned shall forthwith vest in the United

OF PILOTAGE, NAVIGATION AND VESSELS.

States, subject only to the sovereignty and jurisdiction of this State as hereinbefore reserved.

Section 3. That Walter T. Massey, of New Castle County, Edward G. Walls, of Kent County, and George Fisher Pierce, of Sussex County, shall be and are hereby appointed commissioners whose duty it shall be, upon the application of the United States or its authorized agent in that behalf in accordance with the provisions of the preceding section, to go upon and view any of the lands to be taken and appropriated for the location and construction of the said canals and to assess and determine the amount of damages which any owner of such land will sustain by reason of the construction through his land of such canals. In estimating the damages the said commissioners shall consider the advantages as well as disadvantages which will accrue to such owner by reason of the taking and appropriation of his said land and the construction of the said canals. The said Commissioners, or any two of them, shall have power to make an award, and such award shall be made in duplicate, one copy whereof shall be delivered to the United States or its authorized agent and the other copy shall be delivered to the owner, if such owner be known and be a resident of the State and be also legally competent to make a deed. If, however, such owner be unknown, non-resident, a minor, or otherwise legally incompetent to make a deed, then the copy which otherwise would have been delivered to the owner shall be deposited with the Recorder of Deeds in and for Kent County, to be recorded in his office, and such record, or a certified copy thereof, shall be competent evidence. The award made by such commissioners, or any two of them, shall be final and conclusive, unless the owner shall within five days after the making of said award apply by petition to the Associate Judge of this State, resident in the County of Kent, for the appointment of a special commission of five freeholders of the said County; and upon such application it shall be and is hereby made the duty of said Judge to appoint such commission which shall be invested with the like powers as are by this act conferred upon the commissioners designated in this section. And the award made by such second commission, or any three of them, shall be returned to the said Judge, and when by him approved shall be final and

Commissioners
named to view
land and
assess
damages

Awards
Disposition of
awards

Award of Com-
missioners final
unless appeal-
ed within
five days

Associate
Judge on appli-
cation to ap-
point five
freeholders

Award of
freeholders
final

OF PILOTAGE, NAVIGATION AND VESSELS.

to be constructed by and maintained as one of the public works of the United States. Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

United States Government authorized to acquire title to lands for certain purposes

Section 1. That the consent of the Legislature be and the same is hereby given to the acquisition by the Government of the United States of the title to such lands within this State on or contiguous to the route of the said proposed canals as may be necessary for the location and construction of the said canals and their appurtenances; and all deeds, conveyances and other papers relating to the title thereof shall be recorded as in other cases in the office of the Recorder of Deeds in and for Kent County. The consent herein and hereby given being in accordance with the eighteenth clause of the eighth section of the first article of the Constitution of the United States and with the acts of Congress in such cases made and provided. But notwithstanding such consent and concession the sovereignty and jurisdiction of this State shall extend over all lands acquired by the United States within the limits of this State so far as that all civil and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which may be erected thereon.

Sovereignty and jurisdiction of State of Delaware retained

Also authorized to condemn lands for like purposes

Section 2. That in order to enable the United States to obtain title to land necessary for the location of the said canals, not exceeding three hundred feet in width, in every case where the owner or owners of such lands are unknown, non-residents, or minors, or from any other cause are incapable of making a perfect title to such lands, or where the said owner or owners being residents and capable of conveying shall from disagreement in price or from any other cause whatever refuse to convey said lands to the United States, the United States or its authorized agent in that behalf may apply by petition to the commissioners named in Section 3 of this Act for the appraisalment of the value of the land intended to be appropriated for the construction of said canals and for the condemnation of the same, and when such condemnation shall have been made and the condemnation money paid or deposited as hereinafter provided, the title to the lands so condemned shall forthwith vest in the United

OF PILOTAGE, NAVIGATION AND VESSELS.

States, subject only to the sovereignty and jurisdiction of this State as hereinbefore reserved.

Section 3. That Walter T. Massey, of New Castle County, Edward G. Walls, of Kent County, and George Fisher Pierce, of Sussex County, shall be and are hereby appointed commissioners whose duty it shall be, upon the application of the United States or its authorized agent in that behalf in accordance with the provisions of the preceding section, to go upon and view any of the lands to be taken and appropriated for the location and construction of the said canals and to assess and determine the amount of damages which any owner of such land will sustain by reason of the construction through his land of such canals. In estimating the damages the said commissioners shall consider the advantages as well as disadvantages which will accrue to such owner by reason of the taking and appropriation of his said land and the construction of the said canals. The said Commissioners, or any two of them, shall have power to make an award, and such award shall be made in duplicate, one copy whereof shall be delivered to the United States or its authorized agent and the other copy shall be delivered to the owner, if such owner be known and be a resident of the State and be also legally competent to make a deed. If, however, such owner be unknown, non-resident, a minor, or otherwise legally incompetent to make a deed, then the copy which otherwise would have been delivered to the owner shall be deposited with the Recorder of Deeds in and for Kent County, to be recorded in his office, and such record, or a certified copy thereof, shall be competent evidence. The award made by such commissioners, or any two of them, shall be final and conclusive, unless the owner shall within five days after the making of said award apply by petition to the Associate Judge of this State, resident in the County of Kent, for the appointment of a special commission of five freeholders of the said County; and upon such application it shall be and is hereby made the duty of said Judge to appoint such commission which shall be invested with the like powers as are by this act conferred upon the commissioners designated in this section. And the award made by such second commission, or any three of them, shall be returned to the said Judge, and when by him approved shall be final and

Commissioners named to view land and assess damages

Awards Disposition of awards

Award of Commissioners final unless appealed within five days

Associate Judge on application to appoint five freeholders

Award of freeholders final

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OF PILOTAGE, NAVIGATION AND VESSELS.

Award, where filed
 Commissioners to be sworn
 Compensation of Commissioners

conclusive, and the said award so returned and approved shall be filed in the office of the Prothonotary in and for Kent County. The commissioners, as well as those designated by this section as those who may be appointed by the Judge, shall be severally sworn or affirmed before entering upon their duties. The commissioners designated by this section shall receive such compensation for their services as the legislative committee, at its present session, shall think proper to allow, and such allowance shall be paid by the committee's draft on the State Treasurer. If the said commissioners shall not have completed the services required by this act before the close of the said session of said legislative committee, they shall present to the General Assembly, at its next session, an account of the services rendered by them under this act subsequently to the session of the said legislative committee for allowance.

Costs
 By whom paid
 Vacancy in Commission to be filled by the Governor

The compensation of said commissioners not to exceed three dollars per day for actual service and mileage at three cents per mile. The commissioners appointed by the Judge shall receive for their services two dollars per day, which, together with all other expenses connected with the application for such second commission, shall be paid by the land owner applying therefor. In case any one or more of the three commissioners named and designated by this section shall die, omit or refuse to serve, remove from the State, or shall be from any cause incapacitated from serving as such, then and in every such case or cases the Governor is authorized and empowered to appoint another or others in his or their stead, who shall have like powers.

Appropriation of \$200 for the payment of damages
 Damages, how paid

Section 4. That for the payment of the land damages on the route of the said proposed canals within this State as aforesaid the sum of two hundred dollars, or as much thereof as may be necessary, is hereby appropriated out of any unappropriated moneys in the treasury of this State; and such damages shall be paid by the State Treasurer, either upon the draft of the owner accompanied by a certified copy of the award, or by a deposit of the amount awarded in the Farmers' Bank of the State of Delaware at Dover to the credit of the party or parties in whose favor such award shall be made; and in all cases when damages are paid by the State Treas-

OF PILOTAGE, NAVIGATION AND VESSELS.

urer by deposit to the credit of the owner, as in this section authorized, it shall be the duty of the said State Treasurer to take from the cashier of the bank a certificate of each sum so deposited, and such certificate shall constitute his vouchers for the money so disbursed. Nothing, however, in this act contained shall be so construed as to create any obligation or assumption on the part of this State to make any other contribution towards the said work beyond the said sum of two hundred dollars, or so much thereof as may be necessary to pay the land damages on the route of the said proposed canals within this State as aforesaid.

Section 5. This shall be deemed and taken to be a public Act.

Approved March 9, A. D. 1907.

OF PILOTAGE, NAVIGATION AND VESSELS.

CHAPTER 172.

OF PILOTAGE, NAVIGATION AND VESSELS.

AN ACT in Relation to the Proposed Canal intended for a Free Water Way from the Mouth of North West Branch on Smyrna River to the upper end of the first reach in said river above Fleming's Bridge, with a view to shortening the course of the navigable waters of Smyrna River.

Preamble

Whereas, It is contemplated to shorten the course of Smyrna River, by the construction of a canal, forming a continuation of the said Smyrna River a distance of about one thousand feet across certain marsh land situated in Blackbird Hundred, New Castle County and the State of Delaware, so as to connect the waters of North West Branch on Smyrna River with the waters in said river in the upper end of the first reach above Fleming's Bridge, which said canal is to be constructed by the Government of the United States, and when completed is intended to be devoted to public use as a free inland water way.

Preamble

And Whereas, The route of such canal lying between North West Branch and the first reach above Fleming's Bridge as aforesaid, in the County of New Castle, in this State, is to be defined and located by a survey made under the authority of the United States pursuant to the provisions of an act of Congress in that behalf.

Preamble

And Whereas, The said canal is to be constructed by and maintained as one of the public works of the United States, Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

United States
Government
authorized to
acquire title
for certain
purposes

Section 1. That the consent of the Legislature be and the same is hereby given to the acquisition by the Government of the United States of the title to such lands within this state on or contiguous to the route of the said proposed canal as may be necessary for the location and construction of the said canal and its appurtenances; and all deeds, conveyances and other papers relating to the title thereof shall

OF PILOTAGE, NAVIGATION AND VESSELS.

be recorded as in other cases in the office of the Recorder of Deeds in and for New Castle County. The consent herein and hereby given being in accordance with the eighteenth clause of the eighth section of the first article of the Constitution of the United States and with the acts of Congress in such cases made and provided. But notwithstanding such consent and concession the sovereignty and jurisdiction of this State shall extend over all lands acquired by the United States within the limits of this State so far as that all civil and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which may be erected thereon.

Sovereignty
and jurisdiction
of State
retained

Section 2. That in order to enable the United States to obtain title to land necessary for the location of the said canal, not exceeding three hundred feet in width, in every case where the owner or owners of such lands are unknown, non residents, or minors, or from any other cause are incapable of making a perfect title to such lands, or where the said owner or owners being residents and capable of conveying shall from disagreement in price or from any other cause whatever refuse to convey said lands to the United States, the United States or its authorized agents in that behalf may apply by petition to the commissioners named in Section 3 of this act for the appraisement of the value of the land intended to be appropriated for the construction of said canal and for the condemnation of the same, and when such condemnation shall have been made and the condemnation money paid or deposited as hereinafter provided, the title to the lands so condemned shall forthwith vest in the United States, subject only to the sovereignty and jurisdiction of this State as hereinbefore reserved.

Also authorized
to condemn lands for
like purposes

Section 3. That Walter T. Massey, of New Castle County, Edward G. Walls, of Kent County, and George Fisher Pierce, of Sussex County, shall be and are hereby appointed commissioners whose duty it shall be, upon the application of the United States or its authorized agent in that behalf in accordance with the provisions of the preceding section, to go upon and view any of the lands to be taken and appropriated for the location and construction of the said canal and to assess and determine the amount of damages

Commissioners
named to view
and assess
damages

OF PILOTAGE, NAVIGATION AND VESSELS.

which any owner of such land will sustain by reason of the construction through his land of such canal. In estimating the damages the said commissioners shall consider the advantages as well as disadvantages which will accrue to such owner by reason of the taking and appropriation of his said land and the construction of the said canal. The said commissioners, or any two of them, shall have power to make an award, and such award shall be made in duplicate, one copy whereof shall be delivered to the United States or its authorized agent and the other copy shall be delivered to the owner, if such owner be known and be a resident of the State and be also legally competent to make a deed. If, however, such owner be unknown, non-resident, a minor, or otherwise legally incompetent to make a deed, then the copy which otherwise would have been delivered to the owner shall be deposited with the Recorder of Deeds in and for New Castle County, to be recorded in his office, and such record, or a certified copy thereof, shall be competent evidence. The award made by such commissioners, or any two of them, shall be final and conclusive, unless the owner shall within five days after the making of said award apply by petition to the Associate Judge of this State, resident in the County of New Castle, for the appointment of a special commission of five freeholders of the said County; and upon such application it shall be and is hereby made the duty of said Judge to appoint such commission which shall be invested with the like powers as are by this act conferred upon the commissioners designated in this section. And the award made by such second commission, or any three of them, shall be returned to the said Judge, and when by him approved shall be final and conclusive, and the said award so returned and approved shall be filed in the office of the Prothonotary in and for New Castle County. The commissioners, as well as those designated by this section as those who may be appointed by the Judge, shall be severally sworn or affirmed before entering upon their duties. The commissioners designated by this section shall receive such compensation for their services as the legislative committee, at its present session, shall think proper to allow, and such allowance shall be paid by the committee's draft on the State Treasurer. If the said commissioners shall not have completed the services re-

Awards
Disposition of
reports of

Award final
unless appeal-
ed within five
days

Associate
Judge to ap-
point five
freeholders

Award of
freeholders
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Commissioners
to be sworn

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OF PILOTAGE, NAVIGATION AND VESSELS.

quired by this act before the close of the said session of said legislative committee, they shall present to the General Assembly, at its next session, an account of the services rendered by them under this act subsequently to the session of the said legislative committee for allowance. The compensation of said commissioners not to exceed three dollars per day for actual service and mileage at three cents per mile. ^{Costs} The commissioners appointed by the Judge shall receive for their services two dollars per day, which, together with all other expenses connected with the application for such second commission, shall be paid by the land owner applying therefor. ^{By whom paid} In case any one or more of the three commissioners named and designated by this section shall die, omit or refuse to serve, remove from the State, or shall be from any cause incapacitated from serving as such, then and in every such case or cases the Governor is authorized and empowered to appoint another or others in his or their stead, who shall have like powers. ^{Vacancy to be filled by Governor}

Section 4. That for the payment of the land damages on the route of the said proposed canal within this State between the North West Branch and the upper end of the first reach above Fleming's Bridge in Smyrna River as aforesaid the sum of two hundred dollars, or as much thereof as may be necessary, is hereby appropriated out of any unappropriated moneys in the treasury of this State; and such damages shall be paid by the State Treasurer, either upon the draft of the owner accompanied by a certified copy of the award, or by a deposit of the amount awarded in the Farmers' Bank of the State of Delaware at Dover to the credit of the party or parties in whose favor such award shall be made; and in all cases when damages are paid by the State Treasurer by deposit to the credit of the owner, as in this section authorized, it shall be the duty of the said State Treasurer to take from the cashier of the bank a certificate of each sum so deposited, and such certificates shall constitute his vouchers for the money so disbursed. ^{Appropriation of \$200 for payment of damages} Nothing, however, in this act contained shall be so construed as to create any obligation or assumption on the part of this State to make any other contribution towards the said work beyond the said sum of two hundred dollars, or so much thereof as may be necessary to pay the land damages on the route of the said proposed ^{Damages, how paid} ^{Certificate of deposit}

OF PILOTAGE, NAVIGATION AND VESSELS.

canal within this State between North West Branch and the upper end of the first reach above Fleming's Bridge in Smyrna River as aforesaid.

Section 5. This shall be deemed and taken to be a public Act.

Approved February 25, A. D. 1907.

TITLE TENTH.

Of Corporations.

CHAPTER 173.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

"AN ACT to renew the Charters of Corporations which expired since, January 1st, A. D. 1906."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House of the General Assembly):

Section 1. That any corporation which was in existence under the laws of this State on the Tenth day of March A. D. 1899, and whose charter has expired since the First day of January A. D. 1906, by reason of failure to renew the same through oversight or inadvertence, may at any time before the First day of January A. D. 1908, procure a renewal and revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its duties, debts and liabilities which had been secured or imposed by its original charter and all amendments thereto, by filing with the Secretary of State a Certificate of its last or acting President and Secretary, duly sworn or affirmed to by such officers.

Certain corporations may renew their charters by filing certificate with Secretary of State

Such certificate shall set forth:—

(1) The name of the corporation, which name shall be the same name it bore when the charter expired.

Certificate, what to contain

GENERAL PROVISIONS RESPECTING CORPORATIONS.

(2) The name of the city, town or place within the county in which its principal office or place of business is located in this State.

(3) The date when such renewal or revival is to commence, which shall be prior to the date of the expiration of the old charter which it is desired to renew and revive; whether or not such renewal is to be perpetual, and if not perpetual, the time for which such renewal is to continue.

(4) That the corporation desiring to be renewed and revived, and so renewing its charter, was duly organized and carried on the business authorized by its charter until theday of.....19 , at which time its charter expired by limitation through inadvertence and oversight on the part of the corporation. This Certificate for renewal and revival is filed by authority of those who were President and Directors or Managers of the said corporation at the time its charter expired and who under the laws of this State by virtue thereof became its trustees.

Procedure same as provided under general corporation law

Upon revival acts previously done made valid

Property interests vested in revived corporation

All taxes to be paid by such corporation

Such certificate, shall be filed, copied, recorded and dealt with, and in all respects shall have the same force and effect as if such certificate had been filed by said corporation before the expiration of its charter, under the provisions of "An Act providing a General Corporation Act," approved March 17, 1903, Chapter 394, Volume 22, Laws of Delaware. Upon such revival and renewal, all acts, matters and things done and performed by such corporation within the scope of its charter, since the expiration of the same, shall be and hereby are expressly ratified and approved, and all the real and personal property, rights and credits which were of the said corporation at the time of the expiration of its charter, and which have not been since disposed of, shall be vested in and restored to the renewed and revived corporation as fully and amply as they were held by the said corporation at and before its charter expired.

Section 2. Any corporation seeking to renew its charter under the provisions of this Act shall first pay all City, County, State and franchise taxes and charges which it would by law have been liable to pay and chargeable with, if its said charter had not expired; and said corporation shall

GENERAL PROVISIONS RESPECTING CORPORATIONS.

file with the Certificate mentioned in Section one of this Act a statement executed and sworn or affirmed to by its last or acting President and Secretary. Said statement shall contain the amount of said taxes and charges so paid, the date of the payment, to whom paid, and the period of time covered by said taxes and during which they accrued.

Approved March 14, A. D. 1907.

CHAPTER 174.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend Chapter 394, Volume 22, Laws of Delaware, being an Act entitled "An Act providing a General Corporation Law", approved March 17th, A. D. 1903.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

"Section 1. That said Chapter 394 as printed and published in Volume 22, Laws of Delaware, entitled "An Act Providing a General Corporation Law", be and the same is hereby amended by striking out the period at the end of the second paragraph of Section 5 of said Act and adding at the end thereof the following, viz:—"and the name of its resident agent".

Chapter 394,
Volume 22,
amended

Addition to
Section 5

Section 2. That Section 129 of said Chapter 394 be and the same is hereby amended by striking out the word "fifteen" where it occurs at the end of the fourth line thereof, and inserting the word "ten" in lieu thereof; by striking out the word "twenty" where it occurs in the sixth line thereof, and inserting the word "ten" in lieu thereof; by striking out the word "fifteen" where it occurs in the ninth line thereof, and inserting in lieu thereof the word "ten"; by striking out the word "twenty" where it occurs in the eleventh line there-

Section 129
amended
changing State
tax for
incorporating

GENERAL PROVISIONS RESPECTING CORPORATIONS.

of, and inserting the word "five" in lieu thereof; by striking out the word "fifteen" where it occurs in the thirteenth line thereof, and inserting the word "ten" in lieu thereof; and that said Section 129 be and the same is hereby further amended, by adding at the end of the first paragraph of said Section, after the word "dollars" in the sixteenth line thereof the following, viz:—"In all cases where the amount of the capital stock of any corporation, as authorized in its original Certificate of Incorporation, or in any amendment thereof shall exceed Two Million Dollars, the fees to be paid to the Secretary of State for the use of the State shall be at the rate of five cents on each thousand dollars of authorized capital in excess of Two Million Dollars, but in no case less than Ten Dollars." That the second paragraph of said Section 129 be amended by striking out the word "twenty" where it occurs therein, (being in the twentieth line of said section) and inserting in lieu thereof the word "ten".

Section 137
amended

Section 3. That Section 137 of said Chapter 394 be and the same is hereby amended by striking out all of said section after the word "dollars" in the twelfth line thereof.

Section 4. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 21, A. D. 1907.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

CHAPTER 175.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend an Act entitled "An Act Providing a General Corporation Law," as printed and published in Chapter 394, Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of the members elected to each House of the General Assembly):

Section 1. That Section 131 of an Act entitled "An Act providing a General Corporation Law" as printed and published in Chapter 394, Volume 22, Laws of Delaware, be and the same is hereby amended by adding thereto in line seven thereof, between the word "secretary" and the word "duly" the following words, to wit: or, in case of Meadow Companies or Companies incorporated for the purpose of draining and reclaiming low lands by filing a certificate of a majority of its managers.

Chapter 394,
Volume 22,
amended

Section 131
amended rela-
tive to renewal
of Meadow
Companies

Section 2. That Section 91 of An Act entitled "An Act providing a General Corporation Law" as printed and published in Chapter 394, Volume 22, Laws of Delaware, be and the same is hereby amended by adding at the end of said Section 91 the following words, to wit:

Section 91
amended

Provided, however, that no such restriction shall prevent the consolidated Company from acquiring by purchase or condemnation, lands required for any of the purposes authorized by this Act, regardless of the manner in which the lands shall be held, occupied or used, at or immediately prior to the time of such acquisition.

Relative to the
consolidation
of companies

Approved March 21, A. D. 1907.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

CHAPTER 176.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to create the Lewes and Rehoboth Hundred River Improvement Commission.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of the members elected to each branch of the Legislature concurring):

- Incorporators** Section 1. Charles H. Maull, George E. Vickers, Franklin C. Maull, James T. Thompson, George P. Tunnell, Robert W. Dodd, John A. Lingo, Theodore W. Palmer, William J. Westcoat, Harry V. Lyons and Harlan M. Joseph and their successors be and are hereby made and constituted a Board of Commissioners known as "Lewes and Rehoboth Hundred River Improvement Commission."
- Name of company**
- Powers** Section 2. That the said Board of Commissioners shall have power to clean out, deepen and widen by dredging or otherwise the channel of Lewes River or Creek from a point within the corporate limits of the town of Lewes, Delaware, to the Junction of said River or creek with Broadkilm River or Creek.
- Duration** Section 3. That from and after the approval of this Act by the qualified voters of Lewes and Rehoboth Hundred, as hereinafter provided, the said Board of Commissioners shall continue and remain in existence for a period of five years.
- When operative** Section 4. That this Act shall become operative provided the same shall receive a majority of the votes cast by the legally qualified voters of Lewes and Rehoboth Hundred at an election called by the aforesaid Commission ten days after the passage of this Act.
- Qualification of electors** Section 5. All citizens of Lewes and Rehoboth Hundred possessing the legal qualifications for voting at a general election in this State, shall be eligible and qualified to vote at the election hereby called.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

Section 6. Said Election to be held in the town of Lewes at such place therein and during such hours of such day as said Commission shall specify and under such officers as said Commission shall nominate and appoint; said officers to have the same powers given officers of general elections in this State. Election, when to be held

Section 7. The Commission hereby enacted to be a body corporate with full powers for the purposes aforesaid, to fill vacancies in any manner, to take and acquire, receive, hold and expend for the purposes aforesaid, moneys real and personal property, by bargain and sale, gift, grant, contract, devise or bequest, and that they, as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any Court of law or equity in the State of Delaware or elsewhere, to have a common seal, with power to alter the same and generally shall be clothed with all the rights, powers and privileges incident to corporate bodies, necessary or convenient for carrying out the purposes of its creation (no banking powers). General powers

Section 8. That the Levy Court of Sussex County be hereby empowered, directed and required at its next regular meeting after the approval of this Act by the vote of the qualified voters of said Hundred, to levy annually an additional tax of one-fourth of one per centum of the assessed valuation of all real and personal property therein, for not more than two years; the same to be collected by the regular collector of taxes who shall receive as compensation for the performance of his duty as he at the time receives for collecting county taxes. Duty of Levy Court, when to levy tax

Section 9. The revenue derived from the taxes levied and collected under the provisions of this Act to be paid over to the said Lewes and Rehoboth Hundred River Improvement Commission, to be used by said Commission for the purposes for which said Commission is hereby created. Funds, how to be used

Section 10. When dredged, cleaned or deepened, said Lewes River or Creek to have a depth of water not less than four feet at mean low water. Minimum depth of Lewes River

Approved March 19, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 177.

OF THE CITY OF WILMINGTON.

AN ACT to altar and re-establish the statutes relating to the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House thereof concurring herein):

Chapter 207,
Volume 17,
amended

Section 1. That Chapter 207, Volume 17, Laws of Delaware, being "An Act to revise and consolidate the statutes relating to the City of Wilmington," be amended by striking out all of Section 6 of said Act, and inserting in lieu thereof a new Section to be known as Section 6, as follows:

Mayor's
election

"At the City election to be held on the first Saturday in June, A. D. 1907, and on the same day in every fourth year thereafter, the qualified voters of the City of Wilmington shall vote for a Mayor who shall be elected by a plurality of all the votes cast in the several election districts. The Mayor shall hold office for the term of two years commencing on the first day of July next succeeding his election. The salary of the Mayor shall be Two thousand dollars per annum, payable in the same manner as other city officers are paid."

Term

Salary

Powers

Section 2. That Section 7 of said Chapter 207, Volume 17, Laws of Delaware, be amended by inserting after the word "executed" and before the word "He" in the fourth line of said Section, the words "For the purpose of enforcing the faithful execution of said laws and ordinances, and of obtaining any information concerning matters affecting the municipality, the Mayor shall have power and authority, in any inquiry or investigation which he may institute, to compel the attendance of witnesses and the production of necessary books and papers, at any time and place within the City he may designate. He may issue subpoenas and attachments, signed by himself, to compel the attendance of such witnesses and the production of any and all such books and

Duties

OF THE CITY OF WILMINGTON.

papers, which such subpoenas and attachments shall be served and executed by any police officer of the City. If any person so summoned as a witness shall refuse to testify to any facts within his knowledge, or to produce the books in his custody or possession, or under his control, required in such inquiry or investigation, the Mayor shall have power to commit such witness for contempt. All witnesses in any such inquiry or investigation shall be examined under oath to be administered by the Mayor, and any false answer or statement made under oath by any such witness at such inquiry or investigation shall be deemed perjury, and shall be punished accordingly. The expenses of any such inquiry or investigation shall be paid by The Council upon bills presented to such body, approved as correct by the Mayor."

Section 3. That Section 29 of said Chapter 207, Volume 17, Laws of Delaware, as amended, be amended by striking out all of said Section, and inserting in lieu thereof a new Section to be known as Section 29, as follows:

"On and after the first day of July, A. D. 1907, The Council, how composed shall consist of a President of Council and twelve other members. At the City election to be held on the first Saturday in June A. D. 1907, and every fourth year thereafter, there shall be elected, a President of Council and twelve members of Council, for the term of two years commencing on the first day of July next succeeding said election. The President of Council shall be the presiding officer, and a member of said Council and shall be elected from the City at large by a plurality of all the votes cast in the several election districts of the City. One member of Council shall be elected from each Ward of the City by a plurality of all the votes cast therein." Term of office President Election of members

Section 4. That Section 32 of said Chapter 207, Volume 17, Laws of Delaware, as amended, be amended by striking out said Section, and inserting in lieu thereof, the following Section to be known as Section 32, viz:

"At the City election to be held on the first Saturday in June A. D. 1907, and on the same day in every fourth year thereafter, the voters in the respective election districts shall vote for a City Treasurer, who shall be elected by plurality of City Treasurer, election of

OF THE CITY OF WILMINGTON.

all the votes cast in the several election districts in the City.

Term The City Treasurer shall hold office for the term of two years, commencing on the first day of July next succeeding his election. On and after the first day of August A. D. 1907, the

Clerk City Treasurer shall appoint a clerk for his office, to be known as City Treasurer's Clerk, who shall hold office at the pleasure of the City Treasurer. The City Treasurer shall have power to discharge said Clerk at any time, and his acts in this regard shall not be questioned. Such Clerk shall receive a salary of Nine hundred dollars per year, payable in the same manner as other City officers are paid. The Council shall have power by ordinance to increase the salary of such Clerk at any time.

Clerk's salary

Section 5. That Section 37 of Chapter 207, Volume 17, Laws of Delaware as amended, be amended by striking out all of said Section, and inserting in lieu thereof, a new Section to be known as Section 37, as follows:

"On the third Wednesday in July A. D. 1907, and at the same time in every fourth year thereafter, the Mayor shall appoint a person to discharge the duties of City Auditor, who shall hold office until his successor is duly appointed and qualified. The term of office of said City Auditor shall commence on the first day of August next succeeding his appointment. On and after the first day of August A. D. 1907, the City Auditor shall appoint a Clerk for his office, to be known as City Auditor's Clerk, who shall hold office at the pleasure of the City Auditor, and perform such duties as shall be required of him by said Auditor. The power and authority of the City Auditor's Clerk may be increased by ordinance of The Council. The City Auditor shall have power and authority to discharge said Clerk at any time, and his acts in this regard shall not be questioned. Such Clerk shall receive a salary of Nine hundred dollars per year, payable in same manner as other City officers are paid. The Council shall have power by ordinance to increase such salary at any time."

City Auditor

Term

Clerk of City Auditor

Salary

Section 6. That Section 77, of Chapter 207, Volume 17, Laws of Delaware, as amended, be amended by striking out all of the words in the first four lines of said Section, and in-

OF THE CITY OF WILMINGTON.

serting in lieu thereof, the words: "There shall be elected, at the City Election in the year 1907, and in every fourth year thereafter, two Assessors and Collectors for the City of Wilmington for the term of two years each, one of whom shall reside in and be voted for." Assessors and Collectors, election of

Section 7. That Section 137, Chapter 207, Volume 17, Laws of Delaware, be amended by inserting between the word "thereof", and the word "And" in the seventh line of said Section, the words:

"The said Board of Health shall have full control and management of the City Crematory and shall make and award all contracts for the collection and disposal of the garbage and offal of the City, and shall award all contracts to the lowest and best bidder in the manner now prescribed by ordinance." Board of Health Powers of

Section 8. That Section 2 of an Act entitled: "An Act relating to the government of the City of Wilmington", passed at Dover, March 1st, 1887, be and the same is hereby repealed; provided, however, that the City Auditor's Clerk and the City Treasurer's Clerk shall hold office at their present salaries respectively until the first day of August A. D. 1907. Section 2, Chapter --, Volume --, repealed

Section 9. That Section 13 of said Chapter 207, Volume 17, Laws of Delaware, be and the same is hereby amended by adding at the end of said Section the words: "All appointments to office which the Mayor, by law now or hereafter may have power to make, shall be subject to confirmation by The Council, by a majority vote of all the members elected thereto. Appointments not acted upon by The Council within ten days after the same are made and sent to The Council shall be valid without confirmation. And if The Council should act adversely upon two successive appointments to any office, the Mayor shall have power to make the third appointment in accordance with existing law." Mayor's appointments to be confirmed by Council

Section 10. That Section 3 of said Chapter 207, Volume 17, Laws of Delaware, be amended by adding to said Section as amended, the words: "There shall also be an Executive Board consisting of the Presidents of all the Departments of" Executive Board

OF THE CITY OF WILMINGTON.

the City, and of the President of the Board of Public Education in Wilmington. All elective and appointive officers of the City shall be eligible to re-election or re-appointment respectively as the case may be.

Section 11. That said Chapter 207, Volume 17, Laws of Delaware, be amended by adding a new Section at the end of the Section 101 of said Act, which said new Section shall be known as Section 101a, as follows:

Executive
Board meet-
ings

Powers

Ex-officio
members of
Council

Presiding
officer

“Section 101a. The Executive Board shall meet in the Mayor’s office, or at such other place as may be agreed upon by said Board, once each month, or oftener if the Mayor shall deem it expedient, for the purpose of advice and consultation in regard to matters concerning the municipality, but the action of said Board shall not be binding upon any of said Departments, except in cases of disputes and differences which may arise between or among any of the Departments of the municipality, (including the Board of Public Education), or of the officials of any Department of the City in which said cases the decision of said Board shall be final. If said disputes or differences be not amicably settled or adjusted within ten days after the same may have arisen, the matter in controversy shall be referred to said Board for determination. The members of said Board shall be ex-officio, members of The Council, and as such shall be entitled to take part in the debates and all deliberations of that body upon the floor of the Council, but this privilege shall not entitle them to the right to vote upon any matter whatever coming before the Council. The Mayor shall be the presiding officer of said Board. The members of said Board as such shall not receive any compensation.

Receipts to be
paid to City
Treasurer

Section 12. That Section 14, of Chapter 205, Volume 17, Laws of Delaware, be amended by striking out all of said Section after the word “dollars” in the sixth and seventh lines of said Section and inserting in lieu thereof the following: “All rents, income, receipts, revenues and moneys from all sources, now received, or hereafter to be received, by the said Board of Water Commissioners, (excepting the annual appropriations made by The Council to said Board), shall be paid monthly on the first day of each and every month to

OF THE CITY OF WILMINGTON.

the City Treasurer for the use of the City, to be expended for municipal purposes in such manner as the Council may deem proper."

Section 13. That Section 40 of Chapter 207, Volume 17, Laws of Delaware, as amended, be amended by striking out all of said Section and inserting in lieu thereof a new Section to be known as Section 40, as follows:

"On the first day of July A. D. 1907, and at the same time every fourth year thereafter, the Mayor shall appoint a City Solicitor who shall hold his office for the term of two years and until his successor is duly appointed and qualified. The person so appointed City Solicitor must be an attorney and counselor of the Superior Court of the State of Delaware, who shall have been admitted to practice therein at least seven years prior to his appointment, and shall also be a Solicitor in the Court of Chancery. The salary of the City Solicitor shall be Twenty-five hundred dollars per annum, payable in the same manner as other City officers are paid. The City Solicitor shall appoint an Assistant City Solicitor who shall hold office at the pleasure of the City Solicitor and perform such duties as shall be required of him by said City Solicitor. The City Solicitor shall have power to discharge said Assistant at any time, and his acts in this regard shall not be questioned. Such Assistant shall receive a salary of Six hundred dollars per year payable in the same manner as other City officers are paid. The Council shall have power by ordinance to increase his salary at any time. In addition to his other powers, the City Solicitor is hereby authorized to compel the attendance of witnesses and the production of books and papers at his office at any time, and to administer oaths and affirmations to witnesses at any time or in any place, for the purpose of securing information relative to his duties as prosecuting officer of the Municipal Court, and for violations of any laws or ordinances affecting or concerning said City. Subpoenas and attachments for the attendance of such witnesses and the production of such books and papers shall be signed by the City Solicitor and shall be served by any police officer. Any false answer or statement given in such a case shall be deemed perjury and punishable accordingly. The costs in such cases shall be

City Solicitor
How chosen

Qualification

Salary

Assistant City
Solicitor

Salary

Powers of
City Solicitor

OF THE CITY OF WILMINGTON.

paid by the Clerk of the Municipal Court in the same manner as the costs of proceedings in said Court are paid."

Section 14. That Section 71 of Chapter 207, Volume 17, Laws of Delaware, be amended by striking out all the words between the word "Except" in the second line thereof and the word "and" in the third line thereof, and inserting in lieu thereof the following: "In the manner following:—The Council, by ordinance, may borrow money and issue negotiable bonds to secure the same, in the name of The Mayor and Council of Wilmington, to an amount, inclusive of the present bonded debt, not exceeding in the aggregate ten per centum of the assessed value of the real estate of said City, such value to be based on the City Assessment last preceding the borrowing of said money; provided said ordinance be passed by a vote of a majority of all the members elected to the Council, and be approved by the Mayor. Should such ordinance be vetoed by the Mayor, then and in such case said ordinance may be passed over said veto by a vote of two-thirds of all the members elected to The Council; provided that when the sum to be borrowed shall exceed Fifty thousand dollars in any one fiscal year, said ordinance shall not be operative until approved by a majority vote of the votes cast by the qualified electors at the City election subsequent to the passage of said ordinance, or at a special election to be held expressly for said purpose in such manner as the Council shall by ordinance direct. The qualifications of the voters at such special election shall be the same as required of voters at the preceding general City election; and the qualification to vote on such ordinance at any general city election shall be the same as other qualified voters at such election. The said Council, however, is hereby given express authority, to borrow, in any one fiscal year, for such municipal purpose or purposes as it shall deem proper, a sum not exceeding Fifty thousand dollars, by ordinance passed by a vote of two-thirds of all the members elected to the Council. Should such last mentioned ordinance be vetoed by the Mayor, then it may be passed over his veto by a vote of three-fourths of all the members elected to the Council, and it shall not be necessary to hold any such special or general election therefor. The sum so borrowed shall be secured by the issue of negotiable bonds in the name of The Mayor and

Extent of limitation in borrowing

Two-thirds vote necessary to pass ordinance over Mayor's veto

Proviso: When ordinances to be approved by vote of people

Council may borrow \$50,000 in any one year

Vote necessary to adopt ordinances

City to issue bonds

OF THE CITY OF WILMINGTON.

‘Council of Wilmington. Such power to borrow any sum or sums not exceeding in the aggregate Fifty thousand dollars in any one fiscal year shall not affect, or be affected by the provisions of any Section of the Charter other than the said Section 71, and such power in particular, shall be no limitation upon any existing provisions in the charter or laws of the municipality, or special acts of the General Assembly of the State of Delaware, inclusive of those passed at the present session of the General Assembly, relative to the borrowing of money by The Council, and The Mayor and Council of Wilmington. The provisions of this Section shall not apply when it may be necessary to borrow money to refund or redeem City bonds which may, from time to time mature, but in such cases the Council may borrow money to refund and redeem the same, by ordinance passed by vote of a majority of all members elected to the Council, and such ordinances need not be approved by the Mayor. All moneys borrowed under the provisions of this Section shall be paid off in accordance with the plans or provisions of the Sinking Fund Act, or in the manner prescribed by ordinance authorizing the borrowing of said money.’ But this Act shall in no wise be construed to amend or repeal.

This special power to borrow not to affect other authorization

Nor affect refunding present issue

Money so borrowed, how to be used

“An Act to authorize The Mayor and Council of Wilmington to borrow money for the curbing, guttering, grading, widening, paving and improving of the streets and avenues and the building of sewers and conduits in the City of Wilmington, Delaware” approved March 4th, 1907.

Section 15. That Section 31, Chapter 207, Volume 17, Laws of Delaware, be amended by adding at the end of said Section the words: “In addition to the above, the Council shall also have the following powers viz:

First. The Council shall have the power and it shall be its duty, on or before the first day of June in each and every year, to appropriate to and for the Departments hereinafter named, sums of money to whatever amounts the Council may deem proper, provided that the minimum amount for the Departments respectively shall not be less than the following:

City Council Powers

Board of Health, One thousand dollars per annum; Board Appropriations

OF THE CITY OF WILMINGTON.

of Police Commissioners, Ninety thousand dollars per annum; Board of Public Education in Wilmington, One hundred and eighty thousand dollars per annum; Board of Water Commissioners, One hundred and twenty thousand dollars per annum; Board of Directors of the Street and Sewer Department, One hundred thousand dollars per annum. Such appropriations shall be paid to the respective Departments in quarterly portions thereof during the month of August, November, February and May. All rents, incomes, receipts, revenues, and moneys from any and all sources now received, or hereafter to be received by any of said Departments (excepting the Board of Public Education in Wilmington, and excepting the annual appropriations made by the Council to the said Departments respectively), shall be paid monthly on the first secular day in each and every month by the said Departments respectively to the City Treasurer for the use of the City, to be expended for municipal purposes in such manner as the Council may deem proper.

Monthly
payments

May anticipate
appropriation
for running
expenses

Second. The Council shall have power and authority, until the appropriations provided for in this Section shall become due and payable to the Departments respectively, to pay to each of said Departments, an amount sufficient to meet the running expenses of the Departments respectively; provided, however, that the total amount so paid to any such Department shall not exceed the amount received from any such Department under the provisions of this Section.

Salaries of
officers of
Council

Third. The Council shall also have power and authority to fix the salaries of all officers and employees paid by said Council.

Fourth. The Council shall have the same powers in all respects as are conferred upon the Mayor by Section 2 of this Act. This power may be exercised by the Council in the name of The Mayor and Council of Wilmington, and process shall be signed and attested by the President and Clerk of Council respectively. The expenses incident to the exercise of said powers shall be paid by the Council upon presentation of an itemized bill therefor, certified to as correct by the President of Council. Oaths may be administered by any

OF THE CITY OF WILMINGTON.

member of the Council, and any false answer or statement made under oath at any such inquiry or investigation shall be deemed perjury, and shall be punishable accordingly.

Section 16. That Section 80 of Chapter 207, Volume 17, Laws of Delaware, be amended by inserting in said Section 80 between the word "companies" in the tenth line of said Section 80 and the word "The" in the eleventh line of said Section 80, the following, viz: "The Mayor and Council of Wilmington be and it is hereby given express authority to collect and receive annually from telegraph, telephone, water, electric light, gas, street railway and heat and power companies, operating within the City of Wilmington, the taxes hereinafter specified.

City to receive
certain fran-
chise taxes

(a) From all persons, firms, associations or corporations owning or operating any street railway within the limits of the City of Wilmington the sum of two hundred and seventy dollars per mile of single track owned or operated by each of such companies; provided, however, that the said tax shall not be collected from both the owner and the operator of any such railway company.

Railway
Company

(b) From all persons, firms, associations or corporations owning or operating any gas company within the limits of the City of Wilmington the sum of sixty dollars per mile for each mile of the streets of said City used by such gas company for its gas mains; provided however, that the said tax shall not be collected from both the owner and the operator of any such gas company.

Gas Companies

(c) From all persons, firms, associations or corporations owning or operating any electric light company within the limits of the City of Wilmington the sum of one hundred dollars per mile for each mile of the streets of said City used by such electric light company for its poles and wires overhead; provided, however, that the said tax shall not be collected from both the owner and the operator of any such electric light company.

Electric Light
Company

(d) From all persons, firms, associations or corporations owning or operating any telephone or telegraph company business within the limits of the City of Wilmington, the sum

Telephone and
Telegraph
Companies

OF THE CITY OF WILMINGTON.

of one hundred dollars per mile for each mile of the streets of said City used by such telephone or telegraph company for its wires and poles overhead; provided, however, that the said tax shall not be collected from both the owner and the operator of any such telephone or telegraph company.

Underground
conduits

(e) From all persons, firms, associations or corporations owning or operating any electric light, telephone, or telegraph company within the limits of the City of Wilmington, the sum of sixty dollars per mile for each mile of the streets of said City used by any such company for under-ground conduits; provided, however, that the said tax shall not be collected from both the owner and the operator of any such electric light, telephone or telegraph company.

Heat, Light
and Power
Companies

(f) From all persons, firms, associations or corporations owning or operating any heat, light or power company within the limits of the City of Wilmington the sum of sixty dollars per mile for each mile of the streets of said City used by any such heat, light, or power company either for pipes, conduits or other under-ground construction, or poles, wires, or other over-head construction; provided, however, that the said tax shall not be collected from both the owner and the operator of any such heat, light or power company; and provided, further, that any light company which uses the same system or material for furnishing heat, light and power shall not pay double taxes on the same construction.

Water
Companies

(g) From all persons, firms, associations or corporations owning or operating any water company within the limits of the City of Wilmington, the sum of sixty dollars per mile for each mile of the streets of said City used by any such company for under-ground pipes or conduits; provided, however, that the said tax shall not be collected from both the owner and the operator of any such water company.

Said compa-
nies to file
statements
with Clerk of
Council

Every such person, firm, association or corporation as is hereinbefore mentioned in this Section, shall on or before the first day of April of each and every year, file with the Clerk of the Council of the said City of Wilmington a sworn statement which shall set out the following:

(1) In the case of every such person, firm, association or

OF THE CITY OF WILMINGTON.

corporation owning or operating any street railway, setting forth the total mileage of single tracks of every such company within the limits of the City of Wilmington. What to set forth in statements

(2) In the case of every such person, firm, association or corporation owning or operating any telegraph, telephone, gas, water, electric light, or heat and power business, system, or plant, shall state the total number of miles of the streets of the City of Wilmington used by every such person, firm, association or corporation, over-head and under-ground, in its said business.

(3) In case of an individual, firm or association transacting any such business, said statement shall be verified by the oath or affirmation of any one of the persons, owning or operating the same; and in the case of every corporation owning or operating any such business, said statement shall be verified by the oath or affirmation of the Treasurer of every such corporation. Said taxes shall be due and payable to The Mayor and Council of Wilmington annually at the same time that the City and School taxes due said City are payable, and shall be subject to the same rebates, deductions, discounts, allowances and penalties as are now or hereafter may be provided by law in reference to such City and School taxes. The taxes provided for by this amendment shall be in lieu of and instead of all other taxes, licenses and revenue imposed, required or derived from any conduits, pipes, mains, ducts, wires, road-beds, tracks, ties, poles, cables, lamps, lights and all other equipments, materials and apparatus belonging to any such persons, firms, associations or corporations, in, or placed in, on or over the streets of the City of Wilmington.

Section 17. That all the statutes of the State of Delaware relating to the City of Wilmington not inconsistent herewith are hereby continued and reestablished; and all acts inconsistent herewith be and the same are hereby repealed.

Section 18. This Act shall take effect immediately after its passage; and shall be deemed and taken to be a public act.

Approved March 25, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 178.

OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act to alter and re-establish the Statutes relating to the City of Wilmington" passed at Dover, March 15th, 1907, by providing when City officers of the City of Wilmington shall be elected and appointed.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House thereof concurring herein):

Chapter 177,
Volume 24,
amended

Section 1. That Section 1 of an Act entitled "An Act to alter and re-establish the statutes relating to the city of Wilmington" passed at Dover, March 15th, 1907, be amended by striking out of said Section 1, the word "fourth" wherever it appears in said Section and inserting in lieu thereof the word "second".

Election of
Mayor biennially

City Council
to be elected
biennially

Section 2. That Section 3 of said Act be amended by striking out of said Section 3 the word "fourth" wherever it appears in said Section, and inserting in lieu thereof the word "second".

Section 3. That Section 4 of said Act be amended by striking out of said Section 4 the word "fourth" wherever it appears in said Section, and inserting in lieu thereof the word "second".

City Treasurer
elected
biennially

Section 4. That Section 5 of said Act be amended by striking out of said Section 5 the word "fourth" wherever it appears in said Section and inserting in lieu thereof the word "second".

Assessors and
Collectors
elected
biennially

Section 5. That Section 6 of said Act be amended by striking out of said Section 6 the word "fourth" wherever it appears in said Section and inserting in lieu thereof the word "second".

E.

OF THE CITY OF WILMINGTON.

Section 6. That Section 13 of said Act be amended by striking out of said Section 13 the word "fourth" wherever it appears in said Section and inserting in lieu thereof the word "second".

Approved March 25, A. D. 1907.

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CHAPTER 179.

OF THE CITY OF WILMINGTON.

AN ACT to authorize the Mayor and Council of Wilmington to borrow Eight Hundred Thousand Dollars for the purpose of paying off any Floating Indebtedness and Current Liability in connection with the Water Works System of the City of Wilmington, and for defraying the cost of acquiring real estate and water rights; and for the completion, construction, erection and equipment of new reservoirs, filter plants, pumping stations, pumping engines, pipes, mains and other appurtenances necessary for the completion and operation of the reservoir and filtration plants in connection with the extension of the Water Supply System of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

Section 1. That The Mayor and Council of Wilmington, be and is hereby authorized and empowered to borrow upon the faith and credit of the City of Wilmington, as hereinafter provided, a sum not exceeding eight hundred thousand dollars to be expended for the purpose of paying off any floating indebtedness and current liability in connection with the Water Works System of the City of Wilmington, and for defraying the cost of acquiring real estate and water rights; and for the completion, construction, erection and equipment of new reservoirs, filter-plants, pumping stations, pumping engines, pipes, mains and other appurtenances necessary for the completion and operation of the Water

City authorized to borrow \$800,000

Funds to be used for what purposes

OF THE CITY OF WILMINGTON.

Supply System of the City of Wilmington; and for the purpose of securing the payment of such sum, to issue bonds in denominations of one thousand dollars each and bearing such rate of interest not exceeding four and one-half per centum per annum as The Council of The Mayor and Council of Wilmington may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

To issue bonds

Rate of interest

Classification of bonds

Section 2. Said bonds shall be divided into seventeen classes and shall be paid at their face value as follows:

Class.	Amount.	Year of Maturity
A.	\$30,000	1910
B.	\$30,000	1911
C.	\$30,000	1912
D.	\$30,000	1913
E.	\$40,000	1914
F.	\$40,000	1915
G.	\$40,000	1916
H.	\$40,000	1917
I.	\$50,000	1918
J.	\$50,000	1919
K.	\$50,000	1920
L.	\$50,000	1921
M.	\$60,000	1922
N.	\$60,000	1923
O.	\$60,000	1924
P.	\$70,000	1925
Q.	\$70,000	1926

City Council to prepare bonds

How executed

Record of bonds

Section 3. Said bonds shall be prepared under the supervision of The Council of The Mayor and Council of Wilmington and shall be signed by the Mayor of the City of Wilmington, and under the seal of said City, and shall be counter-signed by the City Treasurer and City Auditor of said City in the same manner as other City bonds; and it shall be the duty of such officers to execute said bonds when directed by The Council to do so. It shall be the duty of the City Auditor, the City Treasurer, and the Board of Water Commissioners to keep a record of said bonds.

OF THE CITY OF WILMINGTON.

Section 4. Said bonds, or any part thereof, may be sold <sup>Bonds when
may be sold</sup> when and as The Council of The Mayor and Council of Wilmington shall determine, and until sold shall remain in the custody and possession of the City Treasurer. Whenever the Board of Water Commissioners of the City of Wilmington shall deem it necessary to have "The Council" sell any or all of said bonds, the said Board shall by resolution request, "The Council" to issue any portion or all of said bonds, and "The Council" of The Mayor and Council of Wilmington if it shall deem it advisable may sell and dispose of the same on the most advantageous terms possible, after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of The Council for affecting the sale or negotiation of said bonds.

Section 5. Said bonds, principal and interest, shall be <sup>Bonds, where
payable</sup> payable at the Union National Bank at Wilmington, Delaware, in gold coin of the United States of America equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by ^{When payable} The Council of the City of Wilmington, and the said Council is hereby authorized and directed to pay the interest on said bonds to the said Union National Bank when and as the same shall become due, and to pay said bonds when and as the respective classes mature in accordance with the schedule in Section 2 of this Act. The said Council is hereby authorized and directed to apply to the payment of the interest and principal on said bonds, any money coming into its possession from the revenues of said City.

Section 6. All of said bonds shall bear the same date and shall be numbered from 201 to 1000 inclusive. The money <sup>Funds deposi-
ted to whose
credit</sup> received from the sale of said bonds shall be deposited by the City Treasurer to the credit of the Board of Water Commissioners in a separate account, and payments therefrom <sup>Drafts thereon,
how made</sup> shall be made in the same manner as other payments are made by said Board of Water Commissioners. No part of the money thus obtained and deposited to the credit of the Board of Water Commissioners shall be used by said Board <sup>Purposes funds
may be applied
to</sup> for any purpose other than: First—paying off any floating indebtedness and current liability in connection with the

OF THE CITY OF WILMINGTON.

Water Works System of the City of Wilmington; and Second—for defraying the cost of acquiring real estate and water rights and for the completion, construction, erection and equipment of new reservoirs, filter plants, pumping stations, pumping engines, pipes, mains and other appurtenances necessary for the completion and operation of the Water Supply System of the City of Wilmington; provided that the purchasers or holders of said bonds shall not be bound to see to, or be affected by the application or mis-application of any of said money, realized from the sale of said bonds.

Proviso:
Purchasers not
bound to see to
application of
funds

Form of bonds

Section 7. Said bonds shall contain such provisions not inconsistent with the requirements of this Act as The Council of The Mayor and Council of Wilmington shall determine.

Costs to be
paid by
Council

Section 8. All charges and expenses connected with the preparation of said bonds, and the sale thereof shall be paid by The Council of The Mayor and Council of Wilmington by money to be appropriated by it for that purpose.

Approved March 29, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 180.

OF THE CITY OF WILMINGTON.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow money for the curbing, guttering, grading, widening, paving and improving of streets and avenues and the building of sewers and conduits, in the City of Wilmington, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Section 1. That the "Mayor and Council of Wilmington" shall have power and authority to borrow money in such amounts and at such times as they shall deem necessary to be borrowed and, shall by ordinance prescribe and appoint, for the curbing, guttering, grading, widening, paving and improving of the streets, avenues, lanes or alleys and the building of sewers and conduits in the City of Wilmington, Delaware, and to issue the bonds of the said City in payment thereof with interest; the moneys so borrowed to be paid into the City treasury and upon the receipt of the same by the City Treasurer, he shall deliver the amount of the same to the Board of Directors of the Street and Sewer Department of the said City of Wilmington, which Board shall have supervision, management, direction and control over the said work and the expenditure of the money necessary with respect thereto. All moneys borrowed as aforesaid for the purposes hereinbefore mentioned shall be placed on deposit by the Board of Directors of the Street and Sewer Department of the said City of Wilmington and no warrant or order for the payment of money shall be drawn against said funds except such order or warrant is for payment for work done or material or implements used upon and about the improvement or improvements provided for in this Act or prescribed in the ordinance of Council providing the sum to be borrowed.

City authorized to borrow money for curbing, &c. streets

Money to be paid to City Treasurer who shall deliver to Board of Directors of Street and Sewer Department

How deposited

How drawn on

OF THE CITY OF WILMINGTON.

Proviso:
Duty of said
Board of Street
and Sewer
Department to
furnish list of
proposed im-
provements to
Council

Council to fix
amount to be
borrowed

Bonds, how
issued

Provided, however, that the said Board of Directors of the Street and Sewer Department of the said City, shall, before any moneys are so borrowed under the authority of this Act, prepare and present to the Council of said City of Wilmington, a list showing the location and the estimated costs of improvements as far as practicable which in the judgment of said Board of Directors of the Street and Sewer Department should be made. The Council of said City of Wilmington shall fix the amount to be borrowed, basing the amount on the estimates submitted by said Board of Directors of the Street and Sewer Department.

Section 2. That the Bonds of the City of Wilmington, authorized to be issued under the provisions of this Act, shall be issued and payment made in the manner provided for in the Act passed at Dover, February 9th, 1855, entitled "An Act to provide a Sinking Fund for the City of Wilmington," and the various amendments and supplements thereto.

Section 3. That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 4, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 181.

OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act to Revise and Consolidate the Statutes relating to the City of Wilmington", being Chapter 207, Volume 17, Laws of Delaware, relative to the collection of certain taxes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members elected to each branch thereof concurring therein):

Section 1. That "The Mayor and Council of Wilmington" or such person or persons as they may by ordinance designate may refuse to grant any permit for the erection of any new building or the alteration, repair or destruction of any building until it be shown, to their satisfaction, that all taxes are fully paid upon the land on which said new building is proposed to be erected or upon the land and the building which is proposed to be altered, repaired, or destroyed.

Permit for erection or repair of building to be withheld until all taxes are paid

Approved March 15, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 182.

OF THE CITY OF WILMINGTON.

"AN ACT to amend Section 137, Chapter 207, Volume 17, Laws of Delaware, entitled 'An Act to Revise and Consolidate the Statutes relating to the City of Wilmington', by providing for the improvement of the sanitary conditions of the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch thereof concurring therein):

Chapter 207,
Volume 17,
amended

Board of
Health may
order certain
property to be
connected with
sewers

Section 1. That Section 137, Chapter 207, Volume 17, Laws of Delaware, be amended by adding after the word "appeal" at the end of said Section the words "Whenever the said Board of Health shall deem it necessary for the preservation of the public health, for the improvement of the sanitary condition, and for the better drainage of the City of Wilmington, that any lot or parcel of land, house, building or structure of any kind whatsoever, situate in the City of Wilmington, unconnected with a sewer, should be connected therewith, the said Board shall have power to give directions to the owner or owners, agent or agents, of such premises that the same shall be connected by suitable drains with a public or private sewer within thirty days after the date of such notice, if there be any such sewer to which said premises shall or may have access, so that all the sewerage and house drainage and any other noxious drainage whatsoever and all stagnant, offensive or unwholesome water shall be removed from said premises. If such owner or owners, agent or agents, shall neglect or refuse to comply with said directions, the said Board of Health shall have power and authority to cause said lot or parcel of land, house, or building or structure to be connected with such sewer and to collect the cost thereof in the name of The Mayor and Council of Wilmington, from the tenant or tenants of such lot or parcel of land, house, building or structure, by attaching the rents due to said owner or owners, agent or agents from such tenant; and such tenant, upon making payment of the money so attached,

Neglect of
owner Board
may connect
said property
and collect
costs thereof

Process of
collection

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shall be credited with such amount on account of the rent due to his or her landlord. In case such tenant shall neglect or refuse to pay the amount so attached within sixty days after attachment, such amount so attached shall be collected from such tenant in the same manner as is now provided by law for the collection of rents by distraint and sale of goods and chattels. Should the owner or owners of such house, building or structure reside therein, then and in such case, the said Board shall have power and authority to collect the amount so due as aforesaid in the manner in this Section provided by distraint and sale of goods and chattels.

Process against tenant

Process against owner

Section 2. That Chapter 726, Volume 19, Laws of Delaware, be and the same is hereby repealed.

Chapter 726, Volume 19, repealed

Approved March 25, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 183.

OF THE CITY OF WILMINGTON.

"AN ACT to further amend Chapter 188, Volume 18, Laws of Delaware, entitled 'An Act in relation to the streets and sewers of the City of Wilmington', passed April 20, 1887, relative to the expenses of the Street and Sewer Department."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Chapter 188,
Volume 18 and
Chapter 659,
Volume 18 and
Chapter 102,
Volume 20,
amended

Section 1. That the Act entitled "An Act in relation to the streets and sewers of the City of Wilmington," passed at Dover April 20, 1887 being Chapter 188 of Volume 18 of the Laws of Delaware, as amended by an Act entitled "An Act to amend Chapter 188 of Volume 18. of the Laws of Delaware," passed at Dover, April 19, 1889, being Chapter 659 of Volume 18 of the Laws of Delaware, as amended by an Act entitled "An Act to further amend Chapter 188 of Volume 18 of the Laws of Delaware and also to authorize The Mayor and Council of Wilmington to borrow a certain sum of money for public improvements in the City of Wilmington, Delaware," passed at Dover April 30, 1895 being Chapter 102 of Volume 20 of the Laws of Delaware, be and the same is hereby amended as follows: By striking out of Section 5 of said Chapter 188 of Volume 18 of the Laws of Delaware, as amended as aforesaid, all the words and figures in said Section 5 after the word "following" in the forty-first line of said Section and inserting in lieu thereof the following words and figures—"The Council shall determine the amount necessary for the use of said street and sewer department, based, as nearly as may be, upon the said estimates. The Council shall in the month of May, A. D. one thousand nine hundred and seven (1907) and in every year thereafter, when determining the amount necessary to be raised on the persons and estates in the City for public use, also include the sum necessary to be raised on the persons and estates for meeting and paying the public expenses estimated and de-

Council to determine amount necessary for Street and Sewer Department

OF THE CITY OF WILMINGTON.

terminated by The Council as aforesaid. The amount so determined upon shall be raised and collected and paid into the city treasury as other taxes are raised, collected and paid into said treasury. At the time of making the annual appropriation for public use, The Council shall also make an appropriation for the expenses of the said street and sewer department equal in amount to that determined in the manner aforesaid by The Council. Amount determined upon, how raised Council to appropriate for expenses of Department Proviso: Limit of amount Provided, that the amount so determined by The Council for the use of said department shall not be less than one hundred thousand dollars (\$100,000.00) for the current and ordinary expenses of said department for any one fiscal year. The amount of the appropriation for the current expenses of said board of the street and sewer department so made by Council shall be paid in full on or before the first Saturday in August in the year A. D. one thousand nine hundred and seven (1907) and on or before the first Saturday in August in each year thereafter, by the City Treasurer upon an order or orders drawn by the aforesaid board of directors under the hand of its president. When appropriation available How drawn Account to be kept The said directors shall keep or cause to be kept, a full and true account, in suitable books, of all moneys coming into its possession, and received by it, and of all its expenditures according to the provisions of any ordinance of the city now in force or of any rules and regulations hereafter to be passed by said board, and it shall keep or cause to be kept, a full and true account, in suitable books, of all labor performed or materials or supplies furnished."

Section 2. That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 4, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 184.

OF THE CITY OF WILMINGTON.

AN ACT in Relation to the Assessors' and Collectors' Clerks of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chapter 573,
Volume 20,
amended

Salary of

Section 1. That Section 1 of Chapter 573, Volume 20, Laws of Delaware, passed at Dover May 25, 1897, entitled "An Act in Relation to the Assessors' and Collectors' Clerks of the City of Wilmington," be and the same is hereby amended as follows:—by striking out the last four words of said section, "eight hundred and sixty" and inserting in lieu thereof the following,—“one thousand dollars”.

Approved February 14, A. D. 1907.

OF THE CITY OF WILMINGTON.

CHAPTER 185.

OF THE CITY OF WILMINGTON.

AN ACT Providing for a Police Pension Fund, for the Members of the Police Force of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

Section 1. Whenever a member of the police force of the City of Wilmington shall have become disabled or incapacitated while in the active performance of official duty and whenever any member of said force who has performed faithful continuous service as such member for a period of not less than fifteen years shall have become permanently incapacitated from performing such regular active duty, he may be retired by the Police Commissioners of the City of Wilmington from regular active services and placed upon the retired list, and all members of said force, who shall have performed faithful continuous services as such member for a period of at least twenty-five years may, upon their own application, be placed upon the retired list, whether they are disabled or not. Each person so retired shall be entitled to receive from the fund herein directed to be established an amount equal to one-half of the amount of his salary at the time of his retirement, so long as he may remain upon the retired list, said sum to be paid monthly, provided said fund shall be sufficient for the payment of all persons entitled to receive same, and in case it shall not be sufficient for that purpose at any time, then the claim of all persons entitled shall abate proportionately.

Section 2. No member of said force shall be so retired until he has been duly notified by said Police Commissioners of their intention so to retire him, and until he has had a fair opportunity of being heard in opposition thereto, provided that any member of said force deeming himself entitled to the benefits of this Act, may make written application to said Police Commissioners for that purpose. No member of said

OF THE CITY OF WILMINGTON.

Must be examined before retired

Report of examination

Hearing upon retirement being recommended

Commissioners may require any member to be re-examined

When retired men may be returned to duty.

Pension Fund Trustees

How chosen

police force shall be placed upon said retired list unless he shall have first undergone an examination as to his physical condition to be made by a Board of Physicians, consisting of the Police Surgeon of the City of Wilmington, the family physician of the said police officer, and a third reputable physician of the City of Wilmington to be selected by the other members of the said Board; said Board shall report in writing to the Police Commissioners the result of said physical examination together with a statement as to how far, in the opinion of said Board, the officer examined is incapacitated from performing regular active duty on said police force; upon the receipt of said report of said Board of Physicians, it shall be the duty of the said Police Commissioners to appoint a committee of four members of the police force of the City of Wilmington (two members to be appointed from each of the two leading political parties), to hear and determine the matter of the retirement of said officer, and the Chief of Police of the City of Wilmington shall constitute a fifth member of said committee; and after such committee of five shall determine in favor of the retirement of any officer, the Police Commissioners may retire such officer in accordance with the provisions of this Act.

Section 3. Said Commissioners may at any time require any officer on the retired list, except those retired by reason of having served twenty-five years, to be re-examined by the surgeon of said force or some other competent physician authorized by said Board to act in the premises, and if on such re-examination said officer is reported capable of performing regular duty, he may be required by said Commissioners to return to regular duty in the same rank or grade in which he was serving at the time of his retirement.

Section 4. The Board of Trustees of the Police Pension Fund shall consist of the members of the Police Commission of the City of Wilmington or other Board or body of officials having control of the Police Department of the City of Wilmington; the Chairman of the Finance Committee of the Council of Wilmington, the Chairman of the Police Committee of the Council of Wilmington, and five members of the police force of the City of Wilmington; said five members to be elected annually by the vote of the members of the

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police force of the City of Wilmington. The presiding officer of the Police Commission of the City of Wilmington, or of any other Board or body of officials having charge or control of the said Police Department, shall be the president of the Board of Trustees of the said Police Pension Fund. The Board of Trustees of the Police Pension Fund shall appoint a secretary from among their own number. The said secretary shall execute a bond for the faithful performance of his duties with respect to the Police Pension Fund in such sum and form and with such surety as will be satisfactory to the said Board of Trustees. The cost of said bond shall be defrayed from the proceeds of the fund hereinafter created.

Section 5. All moneys collected in payment of fines imposed by said Police Commission upon members of the police force, all moneys deducted or withheld from the pay of members of the police force by reason of absence from duty from any cause, all moneys donated to this fund, all moneys derived from the sale of unclaimed property coming into the possession of said Police Department shall be credited to said Police Pension Fund. The Trustees of the Police Pension Fund may also receive such annual sums from each member of the police force as he may voluntarily agree to, to be paid monthly to said Police Pension Fund, which sum shall not be less than one per cent of the salaries of all members of the police force of the City of Wilmington, who shall participate in the benefits of said Police Pension Fund. The City Council of Wilmington shall annually appropriate not less than two thousand dollars which shall be credited to the Police Pension Fund.

The Treasurer of the City of Wilmington shall be the custodian of said Fund and shall disburse the same upon written order of the Board of Trustees. Said Treasurer shall execute a bond for the faithful performance of his duties with respect to this Fund and in such sum and form and with such surety as will be satisfactory to said Board of Trustees. The cost of said bond shall be defrayed from the proceeds of the fund herein created.

Section 6. The Board of Trustees of said Police Pension Fund may invest any part of said Police Pension Fund that they may deem proper in national, state, county or municipal-

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ity bonds, or in first bond and mortgage on improved city real estate, said Board of Trustees shall make a report to the City Council of the City of Wilmington of the condition of said fund on the first day of April of each year.

When retired list may be begun.

Section 7. No member of said police force shall be placed upon said retired list by said Police Commissioners until such time as the said Police Pension Fund created by Section 5 of this Act shall have amounted to at least the sum of five thousand dollars.

Section 8. All Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 21, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 186.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 152, Volume 15, Laws of Delaware, being an Act entitled "An Act to Incorporate the City of New Castle".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each House concurring therein):

Section 1. That Section 2 be amended by striking out in the third line thereof, the word "five" and inserting in lieu thereof the word "nine". Chapter 152,
Volume 15,
amended

Section 2. Strike out all of Section 4 after the word "enacted" in the first line thereof and insert in lieu thereof the following:—

The City of New Castle shall be divided into four Wards or Districts corresponding to the present election districts as now laid out under the general election laws, with the voting places as now provided for by said laws. An inspector of election and two members of the City Council shall be voted for in each Ward or District who shall be residents of the said Ward or District and qualified voters, and one person at large as President of the Council who shall be likewise a resident of the City and qualified voter. The Mayor, president and members of council, treasurer, assessor and inspectors shall be elected biennially on the second Tuesday of April in each and every year after a general election, and shall continue in office for a term of two years or until their successors are legally qualified. At every such election every male of the age of twenty-one years or upwards having resided within the city of New Castle one year next before the election, and none others, shall be entitled to vote, save as hereinafter provided for; Provided that only those persons shall vote whose names appear upon the last list of registered voters of the city of New Castle as hereinafter provided. The City Council shall sit as a board of registration on the third and fourth Tuesday and Wednesday evenings of March of each

City divided into four wards

Officers, how elected

Election, when held

Term

Qualifications of electors

Proviso

City Council, when to be Registration Board

OF CITIES AND TOWNS.

Duty of

year in which an election is to be held, between the hours of seven and nine o'clock, for the purpose of adding to the said lists of registered voters any person who shall have since such general registration acquired the residence necessary to qualify him as a voter, and to transfer those registered voters who have moved from one ward or District to another, and the Clerk of City Council shall place the names of voters so registered by Council on the books for the various Wards or Districts of qualified voters hereinafter provided for. The Clerk of Peace for New Castle County shall furnish to the registration officers of the several Districts of New Castle Hundred in the year of any general election when he furnishes the registration books now provided for by law, two separate and similar books in which the said registration officers shall register all persons entitled to be registered who reside in the City of New Castle; one of these registration books for the City of New Castle shall be returned by the registration officers of New Castle Hundred to the Clerk of the Peace for New Castle County as the other registration books are returned, and the other of said registration books shall be returned in like manner to the Clerk of City Council of New Castle within thirty days after the last day of registration, to be retained by him. The registration officers shall be under the same regulations and liabilities for the registration of the citizens of the City of New Castle as for the general registration of the Hundred. The said Registration Books so turned over to the Clerk of City Council of New Castle, with the additions and transfers made by the City Council as above provided for, shall in every year of an election under this Act be turned over by the Clerk of the City Council of New Castle the day before said election to the several Inspectors who have been duly elected or appointed to hold said election in the several Districts. For the purpose of applying this Act to the City election to be held in New Castle on the second Tuesday of April, A. D. 1907 the Clerk of the Peace of New Castle County shall furnish to the Clerk of the City Council of New Castle certified copies of the last registration books for New Castle Hundred receiving therefor a proper and just compensation. The Clerk of the City Council of New Castle shall make from said registration books a certified copy of the names of all the qualified

Two additional
Registration
books to be
furnished by
Clerk of Peace

Disposition of
said additional
books

City Registra-
tion books

Clerk of Peace
to deliver cer-
tified copies of
Registration
books for 1907
election

OF CITIES AND TOWNS.

voters residing in the City of New Castle for each of the Wards or Election Districts herein provided for which he shall deliver to the inspectors named in this Act. After the said Clerk of Council shall have received the registration list as aforesaid and have made the copies provided herein the City Council of New Castle shall sit as a Board of Registration on the days herein provided for the purpose as herein provided of adding to the said registration lists the names of all persons qualified to vote at said election who have attained such right since the last general election.

At the City election to be held in the City of New Castle on the second Tuesday in April following the passage of this Act, one person from each Ward or District shall be voted for to serve as inspector at the next city election, and at each biennial election an inspector in like manner shall be chosen.

Two assistant inspectors shall be appointed for such election in each Ward or District, one each by the city executive committee of the two leading political parties, and upon failure to so appoint, the inspectors respectively shall appoint said assistant inspectors, one of whom shall be of the opposite political party from the said inspector. Each assistant inspector shall appoint a clerk.

Section 3. These Wards or District election officers before entering upon their duties shall swear and subscribe to the following oath before the Mayor of the City of New Castle or a Justice of the Peace, "I do solemnly swear (or affirm) that I will this day in conducting or helping to conduct the city election of New Castle, determine and act in every particular with impartiality and faithfulness, and that I will cause to the best of my ability a true return of the election to be made, so help me God, (or so I affirm)".

The pay for inspectors for holding election shall be five dollars, for assistant inspectors three dollars, and for clerks two dollars to be paid by the City Council.

After each City election the inspectors shall return to the office of the Clerk of the City Council the books of qualified voters furnished to them by the said Clerk of the City Council.

OF CITIES AND TOWNS.

Certificates of
returns of
election

Section 4. At the close of the polls at any election held under the provisions of this Act the Ward or District officers shall cause triplicate returns to be made of the result of such election, one copy to be retained by the inspector, one copy, to be delivered to the Clerk of City Council and the other copy to be delivered to the Mayor of the City of New Castle. All ballots after being counted shall be placed in the ballot box and sealed by the district election officers and delivered to the Mayor of the City of New Castle, who shall in the presence of at least one of said officers put the same in a good and safe place to be kept there for six months unless needed in any contested election case. In case of a tie vote in any Ward or District for the office of member of Council or Inspector, the Inspector holding the election shall cast the deciding vote.

Ballot boxes

Tie vote

Canvass of
returns

At eight o'clock P. M. on the day following any election held under the provisions of this Act the several Inspectors shall meet and canvass the returns from the several Wards or Districts. After ascertaining which candidates have received the greatest number of votes for the various offices they shall make out three certificates of election for each office, furnishing one to the candidate, one to the clerk of Council and one to the Mayor of New Castle. In case any two persons receive the same number of votes for the offices of Mayor, of president of City Council, of City Treasurer or of City Assessor they shall proceed to select one of said candidates for said office by a vote of said inspectors. Not more than five dollars shall be paid as rental for any one place to hold said elections said rental to be paid by City Council. In case of contests being made against seating any person in any office mentioned in this Act the City Council shall by a majority vote decide such contest.

Certificates of
election

Tie vote

Council judge
of qualification
of its membersOfficers named
to hold election
of 1907Vacancy, how
filled

Section 5. For the first election following the passage of this Act the following inspectors shall hold the said election:—First District, Ira Lunt; Second District, Edward H. Naylor; Third District, Patric Whalen; Fourth District, Orion A. Carrick the above mentioned persons being residents of the respective districts. In case of a vacancy in the office of inspector the Mayor of New Castle shall appoint an Inspector to fill the vacancy.

OF CITIES AND TOWNS.

Section 6. Strike out all after the word "enacted" in the first line of Section 5 and before the word "that" in the sixth line thereof.

Section 7. Strike out of Section 15 after the word "electing" in the fourth line of said section the following words "one of their own number as President, and".

Section 8. At the election held next ensuing after the passage of this Act in Wards or Districts ^{Number to be elected in 1907} number one and two only one member of Council shall be elected, the present hold over members of City Council, Hugh E. Duffy and Denney S. Smith shall hold over until the election to be held in 1909.

Section 9. Strike out all of Section 19 and insert in lieu thereof the following to wit:—

"Section 19. All taxes assessed against the owner of real ^{Lien of tax} estate shall constitute a lien against all such real estate within the City for the space of two years after the date of the collector's duplicate, but if said real estate remains the property of the person to whom it is assessed then the lien shall continue until the tax is collected.

If any person is taxed for several parcels of real estate, or for capitation, personal and real estate in the same tax, the whole of such person's taxes may be collected either out of the real or personal estate, or any part thereof; provided that no land alienated shall be sold, if the person taxed have other sufficient property. ^{Collection of taxes}

In the case of life estate, the interest of the tenant for life shall first be liable for the taxes. ^{Tenant for life first liable}

In all cases where any real estate is liable for payment of taxes such real estate or so much thereof as is necessary to pay the taxes, costs, and expenses, shall be sold by the collector at public auction to the highest bidder after notice has been given of the levy, of the amount of the taxes, and of the time and place of sale, in some newspaper published in New Castle County at least once a week for the space of three weeks, and copies of the said notice have been posted in at least five public places in said city for the same period. ^{Sale of real estate for taxes} ^{Procedure}

OF CITIES AND TOWNS.

- Service of notice of sale on resident owner** If the person to whom the estate is taxed be a resident of the said city, the collector shall, in addition to the foregoing, cause notice of his levy, of the amount of the taxes, and of the time and place of sale, to be left at his place of abode, at least twenty days previous to the day of sale, and if the person so assessed is not a resident of said city the notice herein provided for shall be left with the tenant in possession, if there be one, or if there is none, then posted upon the premises.
- And upon non-resident owner**
- Entry on land unnecessary** No entry upon the land or premises by the collector shall be deemed necessary, but the collector in all cases of the sales of real estate shall make a return of all his proceedings to the Council at the next regular meeting after such sale. Any surplus of money remaining shall be returned to the owner or person entitled to receive it. If no owner or person entitled to receive the same can be found by the collector, he shall deliver such surplus of money to the Council, who shall hold the same subject to the call of the owner thereof.
- Return of sale to be made to Council**
- Surplus to be returned to owner**
- When may be paid to Council**
- Deed by whom made** The deed of any real estate, or any interest therein sold for the payment of taxes, shall be made and executed by said collector, and shall vest in the purchaser, subject to the right of redemption hereinafter provided, all the estate, right and title the owner thereof had in and to such real estate at the time said taxes were assessed, free from any interest or encumbrance thereon.
- Title acquired by sale**
- Redemption of land sold** The owner of any real estate sold for taxes, his heirs, assigns or devisees, may redeem the same upon repaying to the purchaser the amount paid therefor, with twenty-five per centum in addition, within two years after the sale, or within six months after final judgment has been rendered in any suit in which the validity of the sale is in question; provided, said suit be commenced within one year after said sale.
- Procedure in sale of personal property** In all cases the collector may seize and levy upon personal property for the payment of taxes, and where personal property may be so levied or seized, he shall cause a notice thereof and of the time and place of sale to be left at the place of abode of the owner or personally to be given to him, at least five days previous to the appointed time of sale, if such owner have a place of abode in said City.
- Notice**

OF CITIES AND TOWNS.

The collector shall also, in all cases, advertise the same for three successive weeks in a newspaper published in New Castle County, and shall also post notices in five public places in said City at least twenty days previous to the appointed time of sale.

Advertisement
in newspaper

If such owner do not pay the amount of tax, and all costs and charges, by the time appointed for the sale, the collector shall sell the same, or enough to pay said tax, costs and charges, at public auction.

Any property or surplus of money remaining shall be returned to the owner or person entitled to receive it. If no owner or person entitled to receive the same can be found by the collector, he shall deliver such property or surplus of money to the Council, who shall hold the same subject to the call of the owner thereof.

Surplus,
disposition of

If any person or property taxed in said city removes or is removed into any part of the State before the taxes are collected, the collector may follow such person or property and seize, levy or collect the taxes with the same power as if not removed.

Removal of
taxable powers
of collector

Any sale of real or personal estate or of any interest therein, liable for the payment of taxes, may be adjourned from time to time.

Sale may be
adjourned

The collector may recover the amount of tax in an action of debt against the person taxed, before any Justice of the Peace in New Castle County, provided, the amount thereof be not more than Two Hundred dollars; and where the amount of the taxes is more than Two Hundred Dollars, in the Superior Court of New Castle County, and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions.

Collector may
sue for tax,
when and
where

Appeal

If judgment be rendered in favor of the collector, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, to be taxed by the Court in the costs, and execution shall issue against the real estate or personal estate of the defendant; provided, no execution

Judgment, to
include what.

OF CITIES AND TOWNS.

How may sell real estate on such judgment	against the real estate shall issue except out of the Superior Court of New Castle County. Where such judgment is recovered before a Justice of the Peace, and it is the desire of the collector to proceed against the real estate of the defendant, the said collector shall take a transcript of the judgment from the Justice of the Peace and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment as aforesaid shall be deemed to relate back and take effect from the date of the collector's duplicate as aforesaid.
Date of lien of such judgment	
Collector, additional powers of	The collector shall have the same right to require the aid or assistance of any person or persons, in the performance of his duty, which a Sheriff now has by law.
Attachment of wages authorized	The collector may at any time notify the person or corporation by whom any taxable is employed that the tax of such employee is due and unpaid and it shall be the duty of such employer to deduct from the wages of such employee the amount of the tax due from such employee and charge the same against him, and if such employer neglect or refuse to comply with such notice within three months from the time of receiving such notice, he shall be personally liable for the taxes of such person so employed by him and the same may be recovered as provided in this section for the recovery of taxes. When such taxes are held by such employer he shall pay the same to the collector within thirty days thereafter.
Liability of employer	
Collector, when to settle his accounts	The collector shall proceed to collect all taxes due and unpaid on the first day of February of each year under the provisions of this Section and shall on the third Tuesday in March settle in full with the City Council for all taxes required to be collected by him during such year, except such delinquencies and commissions as the said Council shall allow.
May proceed on bond, when	If the said collector shall fail to settle in full on the said third Tuesday in March the said City Council shall proceed against him and his sureties for the balance due from him for such taxes. The collector shall pay over to the Treasurer of the City, on the first Monday of every month, all moneys that shall come into his hands under the provisions of this charter. The collector shall take from the Treasurer, who
Collector to make monthly payments to Treasurer	

OF CITIES AND TOWNS.

shall give the same, duplicate receipts for each payment made by him, and shall forthwith deliver one of the said receipts to the president of the City Council. The oath of a collector shall in all cases be evidence of demand.

Treasurer to
give duplicate
receipts

Section 10. Immediately after the City Council settles in full with the collector for any years' taxes, it shall be the duty of the Clerk of the Council to have published in a newspaper published either in the city of Wilmington or in the city of New Castle a list of the delinquents allowed the collector in such settlement.

Delinquent list
published
annually

Section 11. All Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved March 19, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 187.

OF CITIES AND TOWNS.

AN ACT authorizing "The Mayor and Council of New Castle," to borrow One Hundred Thousand Dollars (\$100,000.00) for sewer, street and harbor improvement of the City of New Castle.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Authorized to
borrow
\$100,000

Borrow in two
installments

To issue bonds

How executed

Section 1. That "The Mayor and Council of New Castle", be and it is hereby authorized and directed, upon the written request of the Commissioners hereinafter appointed, to the City Council of New Castle, to borrow on the faith and credit of the City of New Castle, (which is hereby pledged for that purpose), such sum or sums of money, as a majority of said Commissioners, shall from time to time specify and deem necessary for the purposes of this Act; not exceeding in the aggregate sum of One Hundred Thousand Dollars (\$100,000.00). Which said sum shall be borrowed in two installments. Neither of said installments shall be for a sum exceeding in the aggregate the sum of Fifty Thousand Dollars (\$50,000.00); and no part of the second installment shall be borrowed, until the first installment has been fully paid out and expended, for the purposes hereinafter named. "The Mayor and Council of New Castle", shall issue bonds or certificates of indebtedness for each installment as aforesaid, herein and hereby authorized and directed to be borrowed, in such form, at such date, payable at such time, for such amounts and bearing such rate of interest, not exceeding the rate of six per centum per annum,—as a majority of said Commissioners may deem expedient and proper. Each of said bonds or certificates of indebtedness, shall be signed by the Mayor of the said city and the President of the City Council,—with the seal of the Corporation affixed thereto, and shall be countersigned by at least a majority of the said Commissioners. They may be assigned by the holders there-

OF CITIES AND TOWNS.

of and shall be exempt from all State, County and Municipal taxation. Any and all sums of money borrowed and received under this Act, and its increase from premiums on the bonds, certificates of indebtedness or otherwise, shall as soon as received be paid over to the Treasurer to be elected by the Commissioners hereinafter provided for, and held by him, to the credit of the said Commissioners, to be drawn out and used by them as hereinafter provided.

Exempt from
taxation

Funds from
bond issue to
be paid to
Treasurer

How drawn
out

Section 2. In order to provide for the payment of the interest on said bonds or certificates of indebtedness, as it shall fall due, the city Council of New Castle, shall raise annually by additional taxation of the persons and property within the limits of said City (according to the provisions of the Act entitled "An Act to incorporate the City of New Castle," passed at Dover, February 25th, 1875, and any supplements or amendments thereto, in relation to the assessment and collection of taxes within said City), such sum or sums of money as shall be necessary, for the payment of said interest. The money so raised, shall be used exclusively for the payment of interest as aforesaid; and should there be any balance thereof, remaining in the hands of the Treasurer aforesaid, he shall hold and retain the same for the payment of accruing interest; and such surplus shall be deducted by the City Council, in estimating the amount so to be raised in the ensuing year.

City Council
to make pro-
vision for pay-
ment of interest
by taxation

Section 3. That any and all monies borrowed and received under the provisions of this Act, shall be borrowed at such times, in such manner and in such amounts as the said Commissioners, or a majority of them shall determine; and the same shall be expended and applied by them, and under their personal superintendence, exclusively, in and about the work, and supplying material for building, repairing, constructing and permanently improving the sewers, drains, streets, wharves and harbor of the City of New Castle, and all necessary expenses attending the same, in the order named, that is to say:—

Money to be
borrowed pur-
suant to judg-
ment of
Commissioners

To be expend-
ed for what
purpose

First. In building, constructing, laying and repairing sewers and drains, so as to give an efficient sewage and drainage system in the city.

OF CITIES AND TOWNS.

Paving streets Second. In paving, repairing and permanently improving the public streets and highways within said City.

Wharves Third. In repairing, building up and permanently improving the wharves, harbor and river front of said City. Should it become necessary in the opinion of said Commissioners, for the purpose aforesaid, to acquire any additional land or property, they may acquire the same by purchase, or it shall be taken by the City Council upon their application, in the same manner and subject to the same conditions and proceedings, (*Mutatis Mutandi*), as are now prescribed by law, for condemning and taking land for the purpose of opening new streets in said City. The title to lands so purchased, as well as all condemnation proceedings shall be taken in the name of "The Mayor and Council of New Castle."

Commissioners to be elected Section 4. That five citizens of the City of New Castle, who shall be elected as herein provided, and their successors as herein provided, shall constitute, and they are hereby appointed Commissioners, to do and perform all matters and things herein provided for them to do. Said duties to be done by them, or a majority of them. They shall, as conveniently as may be after the passage of this act, organize and elect one of their number President, and one of their number Treasurer, the Treasurer's duties shall be as hereinbefore set forth, and may elect such other officers as they may deem necessary. Before entering upon the duties of their office, they shall each be sworn or affirmed to faithfully, impartially and honestly perform their duties as said Commissioners. All vacancies shall be filled by a majority of the remaining Commissioners.

Commissioners, duty of Section 5. It shall be the duty of said Commissioners, to make all expenditures, in a judicious and economical manner. They shall have the entire control, supervision and management of all work done, and materials furnished within the contemplation and intent of this Act. They shall have power to enter into all necessary contracts, but when the work done, or materials furnished exceed in amount, the sum of Three hundred dollars (\$300.00) in one contract, it shall be let out, after public advertisement for bids, to the lowest and best bidder in their judgment, Provided however, that they shall

OF CITIES AND TOWNS.

have the right to reject any, or all bids, if they deem it proper so to do.

Section 6. That said Commissioners shall, when requested by the City Council, make a detailed report to it, of their proceedings and expenditures, not oftener, however, than once a month. They shall also at least, once a year, publish a detailed statement of their proceedings and expenditures, for the citizens of said City. They shall carefully preserve all vouchers, accounts, bills, receipts, contracts and other papers relating to the performance of their duties under this Act; and when their duties have been fully performed and completed, they shall deliver the same to the City Council, who shall safely keep the same, among the public records of said City.

Commissioners to make report to City Council
 Annual publication of statement
 To preserve all papers and turn them over to City Council

Section 7. The Commissioners shall at any time, require such security from the Treasurer as they may deem proper; which security shall be given to the Mayor and Council of New Castle. The Treasurer shall receive for his services under this Act the sum of one hundred dollars. Each of said Commissioners shall receive for his entire services, the sum of One hundred dollars. These sums shall be paid out of the money so borrowed, upon orders of the said Commissioners, on the Treasurer, as all other money shall be paid out.

Treasurer, bond of
 Compensation of
 Compensation of Commissioners

Section 8. Should any surplus remain, after the work contemplated by this Act has been accomplished, said surplus shall be held and applied toward the payment of the principal or interest on said bonds or certificates of indebtedness, as the same shall fall due.

Surplus of borrowed money to be applied on principal or interest of bonds

Section 9. Each and every Commissioner in the performance of his duties, under this Act, who, either jointly or severally, shall wilfully misappropriate, directly or indirectly, any of said money, or who shall wilfully misconduct himself in any way in the performance of his duty, or in expending any of said money, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both in the discretion of the Court.

Misappropriation of funds a misdemeanor
 Penalty

Section 10. That the said "The Mayor and Council of New Castle", shall not, at any time, have the power to issue

Bonds not to be issued until approved by people at election.

OF CITIES AND TOWNS.

Two elections to be held

Notice of election

Qualification of electors

Violation of this law a misdemeanor

any of said bonds or certificates of indebtedness, until a special election has been called by said Commissioners, and held by three persons to be appointed by them, and a majority of the legal votes cast at such election, has been ascertained to be in favor of the issuance thereof. There shall be at least two distinct and separate elections held, as herein provided, the first election shall be, "for or against", the issuing of bonds or certificates of indebtedness, for the first installment of fifty thousand dollars (\$50,000.00), the other, "for or against", the issuing of bonds or certificates of indebtedness, for the second installment, of fifty thousand dollars (\$50,000.00). Not more than one election in any one year, however, may be held, "for or against" each installment, as the said Commissioners may deem proper to accomplish the objects and purposes of this Act. Due notice of the time and place of said election shall be given by the Commissioners, by advertisement, posted in at least ten Public places in said City, at least ten days prior to any election. That the persons holding said elections, shall be paid a reasonable fee to be fixed by said Commissioners, out of the monies raised under this Act. Any person who has been assessed and paid a property or poll tax for the year next preceding the year in which any election is held under the provisions of this Act, shall on personally appearing before the election officers provided for in this Act be entitled to one vote for every One hundred dollars (\$100.00) of assessment (no fraction of One hundred dollars (\$100.00) to be taken into consideration.) A City tax receipt to be the best evidence that such tax has been paid. The City Council of New Castle shall furnish the election officers mentioned in this Section with the assessment book, or a certified copy of the same, of the preceding year, in which any election is held under the provisions of this Act.

Section 11. Any person who shall willfully vote or attempt to vote illegally, or any inspector or person holding said election who shall willfully receive or consent to receiving an illegal vote, or who shall willfully refuse or consent in refusing to receive a legal vote, or who shall in any way act in a fraudulent or illegal manner at said election, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the

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OF CITIES AND TOWNS.

Court. Should a voter be challenged on the ground of non-payment of taxes, the presiding officer of the election, or person receiving the votes, shall cause the person so challenged, to swear, that he has paid all of the City tax assessed against him next before the election,—otherwise his vote shall not be received. Should such person willfully and falsely so swear, he shall be deemed guilty of perjury and suffer all its penalties.

Section 12. All necessary expenses in and about the preparation, printing and sale of said bonds, or certificates of indebtedness authorized by this Act, shall be paid by the said Commissioners, out of the monies herein authorized to be borrowed. Costs of preparation of bonds, how paid

Section 13. In order to select the five Commissioners provided for in Section 4 of this Act, "The Mayor of the City of New Castle," shall by proclamation designate a day, which day shall not be less than twenty days, or more than thirty days after the passage of this Act, on which an election will be held to elect five Commissioners to carry into effect the provisions of this Act. At said election five persons receiving the greatest number of votes shall be declared elected. Any person who has been assessed and paid a property or poll tax for the year next preceding the year in which any election is held under the provisions of this Act, shall on personally appearing before the election officers provided for in this Act to be entitled to one vote for every one hundred dollars (\$100.00) of assessment (no fraction of one hundred dollars (\$100.00) to be taken into consideration.) A City tax receipt to be the best evidence that such tax has been paid. The City Council of New Castle shall furnish the election officers mentioned in Section 14 of this Act with the assessment book, or a certified copy of the same, of the preceding year, in which any election is held under the provisions of this Act. Election of Commissioners
Qualification of electors

Section 14. The Governor of this State shall on written request of the Mayor or Council of New Castle appoint an inspector and two judges, who shall be citizens of the City of New Castle; to hold the election provided for in Section 13 of this Act. The expenses of said election to be paid by the Council of New Castle. Governor to appoint election officers to hold special election

OF CITIES AND TOWNS.

Section 15. This Act shall be deemed and taken to be a public Act, and published as such.

Approved April 18, A. D. 1907.

CHAPTER 188.

OF CITIES AND TOWNS.

AN ACT authorizing the Mayor and Council of New Castle to Borrow Five Thousand Dollars (\$5000.00) for Harbor Improvement of the City of New Castle.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Authorized to borrow 5000.00

Section 1. That "The Mayor and Council of New Castle" be and it is hereby authorized after a majority of all those elected to City Council of New Castle shall so decide, to borrow on the faith and credit of the City of New Castle, (which is hereby pledged for that purpose) such sum or sums of money as may be necessary for the purposes of this act; not exceeding in the aggregate the sum of five thousand dollars (\$5000.00). "The Mayor and Council of New Castle" shall

To issue bonds

issue bonds or certificates of indebtedness for such amounts not exceeding in the aggregate five thousand dollars (\$5000.00) herein and hereby authorized to be borrowed, in such form, at such date, payable at such time, for such amounts and bearing such rate of interest not exceeding the rate of six per centum per annum, as a majority of said City Council of New Castle may deem expedient and proper.

Form and condition of bonds

How executed

Each of said bonds or certificates of indebtedness, shall be signed by the Mayor of the said City and the President and Clerk of the City Council,—with the seal of the corporation affixed thereto. They may be assigned by the holders there-

OF CITIES AND TOWNS.

of and shall be exempt from all State, County and Municipal taxation. Any and all sums of money borrowed and received under this act, and its increase from premiums on the bonds, certificates of indebtedness or otherwise, shall as soon as received be paid over to the City Treasurer, and held by him, to the credit of the said City Council, to be drawn out and used by them only as hereinafter provided.

Funds to be paid to Treasurer

Section 2. In order to provide for the payment of the interest on said bonds or certificates of indebtedness, as it shall fall due, the City Council of New Castle, shall raise annually by additional taxation of the persons and property within the limits of said City (according to the provisions of the Act entitled "An Act to incorporate the City of New Castle", passed at Dover, February 25th, 1875, and any supplements or amendments thereto, in relation to the assessment and collection of taxes within said City), such sum or sums of money as shall be necessary, for the payment of said interest. The money so raised, shall be used exclusively for the payment of interest as aforesaid; and should there be any balance thereof, remaining in the hands of the Treasurer aforesaid, he shall hold and retain the same for the payment of accruing interest; and such surplus shall be deducted by the City Council, in estimating the amount so to be raised in the ensuing year.

City Council to provide for payment of interest by taxation

Section 3. That any and all monies borrowed and received under the provisions of this act, shall be borrowed at such times, in such manner and in such amounts as the said City Council or a majority of them shall determine; and the same shall be expended and applied by them, and under their personal superintendence, exclusively, in and about the work, and supplying material and labor for building, repairing, constructing and permanently improving the river front in the City of New Castle north of Harmony Street in said City.

Funds to be used for what purposes

Section 4. It shall be the duty of said City Council to make all expenditures, in a judicious and economical manner. They shall have the entire control, supervision and management of all work done, and materials furnished within the contemplation and intent of this Act. They shall have power to enter into all necessary contracts, but where the work done, or materials furnished exceed in amount, the sum of

City Council to have control of expenditures and work done

OF CITIES AND TOWNS.

Three Hundred Dollars (\$300.00) in one contract, it shall be let out, after public advertisement for bids, to the lowest and best bidder in their judgment. Provided however, that they shall have the right to reject any or all bids, if they deem it proper so to do.

City Council to
make detailed
statement

Section 5. That City Council shall, when requested by the Mayor of New Castle make a detailed report to him, of their proceedings and expenditures, not oftener, however, than once a month. They shall also at least, once a year, publish a detailed statement of their proceedings and expenditures, for the citizens of said City. They shall carefully preserve all vouchers, accounts, bills, receipts, contracts and other papers relating to the performance of their duties under this Act; and when their duties have been fully performed and completed, they shall file the same with the Clerk of Council of said City.

Surplus held
for payment of
interest or
principal

Section 6. Should any surplus remain, after the work contemplated by this act has been accomplished, said surplus shall be held and applied toward the payment of the principal or interest on said bonds or certificates of indebtedness, as the same shall fall due.

Violation of
provisions of
Act a mis-
demeanor

Section 7. Each and every member of Council in the performance of his duties, under this act, who, either jointly or severally, shall wilfully misappropriate, directly or indirectly, any of said money, or who shall wilfully misconduct himself in any way in the performance of his duty, or in expending any of said money, shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned or both in the discretion of the Court.

Costs of prep-
aration of
bonds to be
paid by City
Council

Section 8. All necessary expenses in and about the preparation, printing and sale of said bonds, or certificates of indebtedness authorized by this Act, shall be paid by the said City Council, out of the monies herein authorized to be borrowed.

Section 9. This Act shall be deemed and taken to be a public act, and published as such.

Approved April 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 189.

OF CITIES AND TOWNS.

AN ACT to amend Section 24, of Chapter 152, Volume 15, of the Laws of the State of Delaware, entitled "An Act to Incorporate the City of New Castle," relating to laying out of new streets in said City.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring therein):

Section 1. That Section 24, of Chapter 152, Volume 15, of the laws of the State of Delaware, be and is hereby amended, by adding to said Section 24, the words following to-wit:—

Chap. 152, Vol. 15, amended, respecting the laying out of new streets

"Provided also, that for the purpose of laying out any new street, when it is not deemed advisable by the said City Council to adjust and fix the boundaries of the said City; the said City Council may at any time it may deem it necessary, lay out any new street, within the limits of said City, whether the same be surveyed and embraced within any plot of said City or not, in such manner as it may deem necessary and proper; and when the said street, is so laid out and named by the City council, a plot thereof shall be made and recorded in the minutes of said council; together with the proceedings relating to the same.

When any street is thus laid out, it may at any time be opened (and not otherwise,) in the same manner, with the same proceedings and according to all the requirements and provisions of Section 25 of Chapter 152, Volume 15, of the Laws of Delaware, and with the same force and effect, as if said Section 25 was herein set forth in its very words."

Approved April 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 190.

OF CITIES AND TOWNS.

AN ACT to Change the Name of Front or Water Street, in the City of New Castle, Delaware, to "The Strand".

Whereas, many of the residents of New Castle, Delaware, desire to change the name of Front or Water Street in said City, and resume the old and original name thereof, to-wit: "The Strand", and the City Council has assented to, and approved the same;—

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members of each House concurring therein):

Front Street
changed to
"The Strand"

Section 1. That the name of Front or Water Street, in the City of New Castle, Delaware, be and the same is hereby changed to "The Strand", by which said name it shall hereafter be called and known.

Section 2. That this is a public act and shall be published as such.

Approved March 4, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 191.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 177, Volume 17, Laws of Delaware, being an Act entitled "An Act to vest the title of a certain lot of ground, with the buildings thereon erected, in the City of New Castle, in Trustees for the uses and purposes therein mentioned".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1 of said Act be amended by striking out all of said Section and inserting in lieu thereof the following:—

"Section 1. That the said State or Court House, Gaol, Gaol's House, yard, &c., and all immunities, improvements, advantages, hereditaments and appurtenances, and the remainder and reversion thereof shall from and after the passage of this Act be vested in a Commission composed of the following citizens of New Castle, John H. Rodney, Joseph H. Rogers, William Deakyne, Harry G. Cavanaugh and William D. Greer, subject to the uses hereinafter mentioned, expressed and declared, that is to say, that the said State or Court House, offices and buildings erected upon the said lot of land mentioned as aforesaid shall be to and for the uses of the Justices of the Superior Court of the State of Delaware to be used by them for the holding of all courts of New Castle County, whenever for any cause it shall be impracticable to hold said Courts in County Court House now or hereafter established by law, or for any other County which may be made, established, or organized from any division of said County, so long as the said Courts shall, from time to time, be adjourned, continued, or held in such buildings. That the said Gaol, Gaol's House, yard, &c., shall be to and for the uses mentioned in the said Act of Assembly of freemen hereinbefore recited, and at all times, when the said buildings and appurtenances shall cease to be used for the purposes herein specified and set forth, then to be held to and for the use of

Court House
and other
buildings in
New Castle

Title
Trustees

Purposes of
Trustees

When to be
held for use of
city of New
Castle

OF CITIES AND TOWNS.

Proviso:
Rights of
County pre-
served

the inhabitants of the City of New Castle, for such public and municipal uses and purposes as the said Commissioners or their successors may direct and appoint. Provided, however, that nothing in this Section shall be construed so as to divert or interfere in any way with the title of New Castle County to said real estate, according to the uses and trusts created by the said Act of Assembly of June 13, 1772. And provided: moreover that said property shall not be used in any way or manner that may impair its fitness to be again used for the holding of Courts and for County purposes.

Proviso:
Not to be un-
fitted for Court
use

Terms of
Trustees

The terms of office for the Commission named above shall expire as follows:—

That of John H. Rodney on the last day of April, 1917.

That of Joseph H. Rogers on the last day of April, 1915.

That of William Deakyne on the last day of April, 1913.

That of Harry G. Cavanaugh on the last day of April, 1911.

That of William D. Greer on the last day of April, 1909.

Successors to
be chosen at
City Election

That commencing with the regular City Election to be held on the second Tuesday in April, 1909 and biennially thereafter the voters qualified to vote at said election shall choose a citizen of New Castle by a plurality vote to serve on said Commission for a term of ten years. In case of the death, disability or resignation of any member of the Commission the remaining Commissioners shall select a citizen of New Castle to fill such vacancy thereby created, to serve until the next regular City Election. When the qualified voters of said City of New Castle shall choose a citizen of New Castle to fill such unexpired term.

Vacancy, how
filled

Officers of
Trustees

Said Commissioners shall organize by electing one of their number president, one of their number secretary and a treasurer who may be one of their number.

Annual report
of receipts and
expenditures

They shall at least biennially have printed for the information of the citizens of New Castle a report showing all receipts and expenditures of any moneys in their custody.

Approved April 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 192.

OF CITIES AND TOWNS.

AN ACT authorizing and empowering "The Council of Newark" to borrow money and to issue bonds for the payment thereof, for the purpose of improving the streets, and extending the water and electric light plants of the Town of Newark.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That "The Council of Newark" is hereby authorized and empowered to borrow on the faith and credit of the corporation, for the purpose of improving the streets, and extending the water and electric light plants of the Town of Newark, a sum of money not to exceed twenty thousand dollars. Authorized to borrow \$20,000.00 For what purposes

Section 2. That "The Council of Newark" shall have power and authority and is hereby directed to issue bonds of its municipal corporation of such denomination as it may deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually on the first days of June and December, respectively, of each year, at any bank or trust company situated in the said Town of Newark, the principal of said bonds shall be made payable in thirty years from the date of the issue thereof, the said "The Council of Newark" reserving the power and authority of redeeming said bonds or any part of them at the expiration of ten years from the date of the issue of the same, at par with interest to date of redemption, provided that if the said "The Council of Newark" elect to redeem any of said bonds at the expiration of ten years from the issue thereof, such election shall be effected on the first days of June and December, and in pursuance of a notice to that effect published by the said "The Council of Newark" in at least four issues of two newspapers, one of which shall be published in the City of Wilmington. In calling said bonds for redemption and payment, To issue bonds Bonds, when due When redeemable How redeemed

OF CITIES AND TOWNS.

they shall be called consecutively, commencing with the lowest number; the interest on said bonds so classed shall cease from the date of the redemption thereof, and said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said "The Council of Newark", if it deems it expedient, may redeem or pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Council may purchase bonds

Council to have bonds prepared

Bonds, form of, how executed

Council to sell bonds

Proviso: Advertisement for bids

Conditions of bidding and awarding

Section 3. That the said "The Council of Newark" shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the president of Council and countersigned by its secretary, and shall be sealed with the corporate seal, and be exempt from all state, county and municipal taxation. As the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said "The Council of Newark" shall direct, and the said "The Council of Newark" shall negotiate the sale and delivery of the same, and the money, the proceeds of the sale of said bonds, shall be deposited with the treasurer of said town. Provided, however, that in the sale of said bonds, the said "The Council of Newark" is required and directed to advertise said bonds for sale in at least four issues of two newspapers, one of which shall be published in the City of Wilmington, inviting bids for the same, and in which said advertisement shall be stated the denomination of said bonds, the rate of interest, the place and date of opening said bids and the conditions of said bonds. The said "The Council of Newark" shall have the power to require each bid for said bonds to be accompanied by a certified check for an amount which it may deem proper, and after the bonds are awarded the said "The Council of Newark" shall return to the unsuccessful bidder or bidders the certified check or checks so filed by the said unsuccessful bidders with their bids. The said "The Council of Newark" shall have the right to reject any or all bids, but in awarding the sale of the bonds, they shall be sold to the person or persons, firm or corporation offering the most advantageous terms. The said "The

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Council of Newark" may require the Treasurer of said town to give additional bond.

Section 4. That the said "The Council of Newark" is authorized and required to assess and collect annually in the same manner as now provided by law for assessing and collecting other taxes for municipal purposes, an amount of tax sufficient to pay all the interest accruing on said bonds. The said "The Council of Newark" is further authorized and required to assess and collect annually in the same manner as above provided, a further amount of tax for the purpose of establishing a fund adequate to the redemption at or before maturity of the bonds issued under the provisions of this Act; provided, that the amount to be raised for the purpose of establishing said sinking fund for the redemption of the said bonds shall not exceed the sum of five per centum of the amount borrowed under the provisions of this Act. The sinking fund provided by this Act shall be deposited in any bank or trust company in the Town of Newark until such time as it may be needed for the redemption of any bond or bonds.

Council to provide for payment of interest by taxation

Sinking fund

Limitation of tax per annum for sinking fund

Section 5. That before the provisions of this Act shall go into effect, the question of borrowing the money aforesaid shall be submitted to the voters of the said Town of Newark, and be approved by a majority of the votes cast at a special election which the said "The Council of Newark" is hereby authorized to call, and at such election each freeholder, male or female, owning property within the said Town of Newark shall have the right to cast one vote for every dollar and fractional part of a dollar of tax paid by him or her on real estate under the last assessment; provided that he or she shall have paid all taxes heretofore levied and assessed against him or her and shall produce a tax receipt for same when demanded by any person entitled to vote at said election. Notice of such election shall be given by the said "The Council of Newark" by advertising such election in two issues of a newspaper published in New Castle County and by notices posted in at least ten public places in said town, at least twenty days before the time of such election.

Referendum to determine whether to borrow

Qualification of electors

Notice of election

Approved April 4, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 193.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 175, Volume 18, Laws of Delaware, entitled "An Act to re-incorporate the Town of Newark," to provide a per capita assessment of the male citizens of said Town.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein):

Chap. 175, Vol.
18, amended

Section 1. That Section 31 of Chapter 175, Volume 18, Laws of Delaware, entitled "An Act to incorporate the Town of Newark," as amended by Section 3 of Chapter 641, Volume 18, Laws of Delaware, entitled "An Act to amend an Act entitled An Act to Reincorporate the Town of Newark," be, and the same is hereby further amended by striking out after the word "years" in the fourteenth line of said Section, the following words:

Per capita tax
authorized

"Every male citizen above the age of twenty-one years shall be assessed for a capitation or poll tax, in addition to his assessment for his real and personal estate, at a capital to be fixed by Council, which, however, shall not exceed Two Thousand Dollars, nor be less than Two Hundred Dollars", and inserting in lieu thereof the following "Every male citizen, of said Town, above the age of twenty-one years, shall be assessed for a capitation or poll tax in addition to his assessment for his real and personal estate, at a capital to be fixed by Council, which, however, shall not exceed One Hundred Dollars".

Approved March 14, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 194.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 233, Volume 19, Laws of Delaware entitled "An Act to amend Sections 27, 35 and 38, Chapter 175, Volume 18, Laws of Delaware," by exempting the Council of Newark from the payment of money to the Road Commissioners of White Clay Creek Hundred."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That Chapter 233, Volume 19, Laws of Delaware, entitled "An Act to amend Sections 27, 35 and 38, Chapter 175, Volume 18, Laws of Delaware," be and the same is hereby amended by striking out all of Section 3 of said Act after the word "hands" in the twentieth line of said Section.

Chap. 233, Vol. 19, amended, exempting Newark from payment of road tax

Approved April 11, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 195.

OF CITIES AND TOWNS.

AN ACT to Re-incorporate the Town of Newport.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Special elec- tion, when held	Section 1. That an election shall be held in the Town of Newport, New Castle County, on the first Monday in April next, at the place where general elections are now held, from four o'clock in the afternoon until seven o'clock in the afternoon, and thereafter on the second Monday of every January, at such time and place as shall be determined and fixed by the Town Commissioners, due notice whereof shall be given by the said Commissioners at least five days before said subsequent election, for an Alderman, five Commissioners, Treasurer and Assessor. Three of the said Commissioners, Treasurer and the Assessor, shall be freeholders and citizens of said Town, and two of said Commissioners may be citizens not freeholders of said Town. The first election on the first Monday of April next shall be held by a Justice of the Peace residing in the Town of Newport or in a hundred adjacent thereto, and by two citizens of said Town selected by him to assist in holding said election; they shall, in all respects, conduct said election, and make and deliver certificates of the election to all persons elected, and swear in or affirm the same as fully as the Alderman and his two assistants who are hereinafter empowered to hold all subsequent annual elections could do. All annual elections thereafter shall be held by the Alderman and two citizens of said Town selected by him to assist in holding said election. At such election every male citizen of said town who shall have attained the age of twenty-one years, and shall have paid the town tax last assessed to him, shall have the right to vote. The Alderman and the two citizens aforesaid shall be judges of the elections, and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read
Notice	
Officers to be elected	
Eligibility	
Special elec- tion, by whom held	
Annual elec- tion, by whom to be held	
Qualification of electors	
Judges	

OF CITIES AND TOWNS.

and counted by the Alderman and his two assistants, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office until their successors are duly elected. In case of a tie of persons voted for, said election shall be determined by lot. On the day following said election, the Commissioners elected shall meet at the office of the present town Commissioners and choose by lot three of their number to serve for one year, and two of their number to serve for two years, or until their successors are duly elected; and yearly thereafter an election shall be held, at the time and in the manner aforesaid to choose an Alderman, Assessor and Treasurer to serve for one year and three or two Commissioners, as the case may be, to serve for two years. Immediately after said election the person under whose superintendence the election is held shall enter in a book, to be provided for that purpose, a minute of such election, containing the names of the persons chosen Alderman, Assessor, Treasurer and Commissioners, and shall subscribe the same, and shall give to the Alderman, Assessor, Treasurer and Commissioners, election certificates of their election. The book containing such minutes shall be preserved by the Commissioners and shall be evidence.

Declaration of those elected

Tie vote

Commissioners to choose by lot long and short terms

Minutes of election

Certificates of election

Section 2. That the Commissioners of Newport to be elected as hereinbefore prescribed, and their successors in office, shall be and they are created a body politic and corporate in law, and the said Commissioners of Newport and their successors, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State, by the corporate name of the "Commissioners of Newport," and may have and use a common seal, with such device or devices as they shall think proper, with power to alter and change the same as may be deemed expedient; to purchase, take, hold, receive and enjoy any messuage, lands, tenements or hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; Provided Nevertheless, that there is hereby reserved to the Legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

Incorporation

Corporate powers

Corporate name

Proviso

OF CITIES AND TOWNS.

Limits and
boundaries of
town

Section 3. That the limits and bounds of the Town of Newport be as follows:—Beginning at a point in the West side of Mary Street, at low water mark on the North shore of the Christiana River; thence running in a Northerly direction along the West side of Mary Street about twenty-eight hundred and fifty feet to a point; thence Easterly and parallel with Christian Street, extended, at the distance of seven hundred and sixty feet Northerly from the Northerly side thereof, to the land now owned by Robert Lyman, thence Southerly along the line of said Robert Lyman's land to western side of Saint James Cemetery, thence Northerly along the western side of said cemetery to the Northwest corner, thence southerly along Easterly side of said cemetery, the line continued straight to the Christiana River, low water mark, thence with low water mark of said river to the place of beginning.

Authorized to
exempt from
taxation cer-
tain property

And further provided, That it shall and may be lawful for the Commissioners of Newport, aforesaid, to exempt from assessment and taxation, for the period of five years, for municipal or town purposes, the real estate of any person or persons or body corporate, within the limits of said town, upon which any manufactory or other industrial improvement for the employment of labor may after the passage of this act be erected.

Survey and
plot

The Commissioners of Newport may, at any time hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made, and approved by the said Commissioners, shall be recorded in the office for the Recording of Deeds, in and for New Castle County, and shall be evidence in all courts of law and equity in this State.

Record of plot

Powers of
Alderman

Section 4. That the person elected as alderman aforesaid of said town shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses within said town, to arrest and hold to bail, or fine and imprison all offenders, and of and over all fines, forfeitures and penalties which may be prescribed by any law of this State, or by ordinances of the town commissioners regularly passed and established for the government of the said

OF CITIES AND TOWNS.

town, and of and over all neglects, omissions or defaults of the town bailiff, assessor, collector of taxes, or treasurer, or any other person or officer whose duty it may be to collect, receive, pay over, or account for any money belonging to the said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act of the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said Alderman shall be the same as are allowed justices of the peace for similar services under the law of this State. It shall be the duty of the Alderman to keep a book of record, or docket, to be called the "Alderman's Docket of Newport," to be provided by the commissioners aforesaid, in which all his official acts shall be entered, and he shall, upon expiration of his term of office, deliver over to his successor all the books, papers, &c., pertaining to his office, within ten days after the election and qualification of his successor and in default of so doing he shall forfeit and pay for the use of said town the sum of twenty dollars, to be recovered before the succeeding Alderman or any justice of the peace residing in said town or in an adjoining hundred.

Proviso

Alderman,
fees ofAlderman's
docketsRecords to be
delivered to
successorPenalty for
default

Section 5. That the Alderman, Commissioners, Treasurer and Assessor, aforesaid, so elected, before entering upon the duties of their respective offices, shall be sworn or affirmed, by the Alderman or by any one of the Commissioners holding over; to perform the duties of their offices respectively to the best of their knowledge, and without favor or partiality. The said Commissioners, at their first regular meeting after each election, shall choose a President and Secretary from their number who shall hold office for one year or until their successors are elected; if by death or otherwise, the office of President or Secretary shall become vacant, the Commissioners, or a majority of them, at their next regular meeting or at a special meeting thereafter are hereby authorized to fill said vacancy; if any vacancy shall occur in the office of Alderman, Treasurer, Bailiff, Collector of Taxes, Commissioners or Assessor, by death, resignation, removal from or otherwise, the said Commissioners, or a majority of them, for the time being, at the next regular meeting thereafter or at

Qualifications

President and
SecretaryVacancies,
how filled

OF CITIES AND TOWNS.

All shall act,
but majority
may govern

a special meeting, are hereby authorized to fill said vacancy by appointing an Alderman, Assessor, Treasurer, Bailiff, Collector of Taxes, Commissioner or either, as the case may be, to fill the unexpired term of said office or offices. All the Commissioners shall act, but the decision of a majority shall govern. The officer or officers so appointed, after being duly qualified as aforesaid, shall have the same powers and authority and be subject to all penalties as those duly elected to said office or offices. The Commissioners shall receive no compensation for their services as Commissioners.

President,
duties of

It shall be the duty of the President chosen as aforesaid to preside at all meetings of said Commissioners, and in case of his absence an officer pro. tem. shall be appointed in his place. The President shall receive no compensation for his services as President.

Secretary,
duties of

It shall be the duty of the Secretary to record all the proceedings of the Commissioners and keep a correct journal of the same in a book or books provided for that purpose, said journal must show all bills approved by the Commissioners, the amount of said bills and to whom payable and also to keep the papers relative to said town, all of which are to be carefully preserved and delivered to his successor in office. The Commissioners shall fix the compensation to be received by the Secretary for his services as Secretary.

Compensation
of

Treasurer,
duties of

It shall be the duty of the Treasurer to deposit all money in his possession belonging to said town, in the name of the Town of Newport, in a bank selected by the Commissioners; the said Treasurer shall be the custodian of all moneys belonging to said town and shall pay out of any moneys in his possession belonging to the said Town all bills approved in writing by the Commissioners or a majority of them and presented to him for payment, and take a receipt for the same to be preserved and delivered to his successor in office; he shall settle his accounts with the said Commissioners annually in the month of December and at such other times as the said Commissioners may require. The Treasurer shall attend all meetings of the Commissioners.

Treasurer,
bond of

The said Treasurer shall also before entering upon the duties of his office give bond to the "Commissioners of New-

OF CITIES AND TOWNS.

port", with sufficient Security, to be approved by the Commissioners of said Town in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of said office, and for the delivery to his successors in office all books, papers, etc., relating to said Treasurer and all sums of money belonging to said Town, which may remain in his hands upon the termination of his office and the settlement of his final account; to which said bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty; the cost of said bond shall be paid out of money of the Town of Newport.

If the Treasurer shall fail to bond as required by this section, he shall thereby forfeit his office and the same shall become vacant; in case such vacancy occur the Commissioners are authorized to appoint a Treasurer to serve for the unexpired term. The compensation of the Treasurer shall be of fixed by the Commissioners.

Failure to give bond, forfeits office

Compensation of

The Commissioners are hereby authorized to appoint one or more suitable and capable persons to audit the accounts of the Treasurer annually in the month of December and at such other times as said Commissioners may deem advisable. It shall be the duty of the said auditor or auditors, to make and post in at least three public places in the Town of Newport a statement showing all receipts and disbursements and balance remaining in the hands of the Treasurer.

Treasurer, audit of accounts

Report of Auditors

The said auditor or auditors shall receive a reasonable compensation to be fixed by the Commissioners.

Section 6. That the Commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys and gutters now open or hereafter to be opened, and shall have power and authority to cause the streets, lanes, alleys, bridges and gutters in said town to be repaired, regulated, supported, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in such lands

Superintendence of roads and streets

Fund to be raised by tax

OF CITIES AND TOWNS.

and tenements within the limits of said town, to discharge the expenses of repairing the said streets, lanes, alleys, bridges and gutters, or for any other purpose that will contribute to the safety, convenience and prosperity of said town. That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town, by petition to them for that purpose, to reopen all streets that have previously been opened, to locate, lay out and open any new street or streets which five or more citizens of said town may desire to be located and laid out and opened, allowing to the persons respectively through or over whose grounds such new street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of the Town out of moneys of said town on warrant drawn on him by the commissioners aforesaid.

Power to open streets

Damages

Notice of location of new street

Section 7. That whenever the Commissioners shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, to notify, in writing, the owner or owners of the real estate through or over which such new street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners, or some one of them. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the justice of the peace, oldest in commission, residing within said town, who shall, within three days thereafter, and upon notice to the said commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders

Appeal

Freeholders

OF CITIES AND TOWNS.

of Christiana hundred owning no real estate in said town and not residing within its limits, and the remaining twelve shall be freeholders owning real estate in said town and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street, and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners, shall attend. The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders located as follows, viz: four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commissioners. In case either side, commissioners or appellants, be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or commissioner, may, within ten days after the appointment of said freeholders, and upon five days' notice to the other parties resident in said town, or in case of non-resident notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in the case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any justice of the peace of New Castle County in the name of the town commissioners for the use of said town. If in case the award of

Notice to real estate owners.

Freeholders, how selected

Where to reside

Award final

Judges, when to strike

Hearing

Award, when made

Forfeiture

OF CITIES AND TOWNS.

No petition to be entertained during term, if award is against street

the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the terms for which they were elected. The act of

Act of majority valid

a majority of said freeholders shall be as good as an act of the whole in making any such award or assessment of damages.

Costs, how paid

Section 8. After the damages shall be fixed and ascertained by the freeholders, the commissioners aforesaid shall have the option to pay the damages assessed as aforesaid and to proceed with the said improvements, or, upon payment of the costs only, may abandon the proposed improvements.

Commissioners may order pavements made

Section 9. That the Commissioners or a majority of them, be and they are hereby authorized and required, upon the written petition of five or more freeholders of said town, to direct, in writing, the owner or owners of any house or land in Newport, before or in front of which they may deem proper that a pavement should be made, to lay a pavement of brick, smooth stones or concrete of such length and width as the said commissioners may specify and if such owner or owners shall neglect or refuse, for the space of three months, after being directed as aforesaid, to lay such pavement it shall and may be lawful for the said commissioners, and they, or a majority of them, are authorized and required to cause such pavements to be made, and to recover the costs of making the same by the distress and sale of any goods and chattels, land and tenements belonging to such owner or owners within the limits of said town. If any pavement, already made, shall at any time, by the said commissioners, or a majority of them be deemed an insufficient pavement, they, or a majority of them, shall have power and are hereby required to direct, in writing, the owner or owners thereof to make a sufficient one, and upon neglect or refusal so to do for the space of three months, the said Commissioners, or a majority of them shall cause the same to be done and recover the costs of so doing the same in like manner as above described in case of new pavements. Notice to one joint owner shall be notice to all, and, in case no owner shall reside in the town, notice shall be sent by mail to such owner or owners, directed to him or them at his or their last known address,

Commissioners, when may pave

Costs recoverable by distress

May order pavements repaired

May repair, when

Notice, what sufficient

OF CITIES AND TOWNS.

and if no address is known notice to the occupant shall be deemed a sufficient notice to the owner; if there be no occupier or resident of said Town of Newport, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence; that the said commissioners, or a majority of them, may cause such sidewalks, or portions thereof, as are unpaved to be covered with gravel, sand, or dirt, if they deem them not proper to be paved and shall cause them to be put in good order for the convenience of the citizens of said Town, and may cause curbs to be laid and flag-stones to be put down at the crossings of the streets, wherever they may think necessary, and the cost of doing the same shall be defrayed out of the funds of the Town. The claim for paving shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, encumbrance, or conveyance suffered or made by the said owner or owners after the completion of said improvements. If any lot or lots on any of the said streets shall be held or owned by a widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be minors at the time of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be a sufficient evidence of such payment, and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same to remain on interest from the day of presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this act to be kept up at the expenses of such tenant in dower.

Section 10. That the said Commissioners shall have authority to make such regulations and ordinances for government of the town as they shall deem proper and necessary, and they are hereby authorized and required to provide sanitary measures for the health of the citizens, and to prevent the introduction into the town of infectious or contagious diseases, cause all obstructions and nuisances that may at any time be and exist within the limits of said town,

Gravel

Flagstones

Claim a lien

Reversioner, when liable

Guardian to pay

Lien, when

Repairs to be paid by life tenant

Commissioners, powers of

Ordinances

Sanitary measures

Nuisances

OF CITIES AND TOWNS.

whether in the streets, lanes, alleys, or gutters, on the sidewalk, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed either upon their own view or upon complaint of any other citizen, in writing, stating the character of the nuisance or obstruction and where the same exists. If the said commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the commissioners for the use of the town in the same manner as debts of that amount are recoverable, and for every additional day the same shall remain unabated and unremoved he or she shall forfeit the further sum of ten dollars, to be recovered in the same manner.

Notice

Order to abate

Penalty

Dogs, registration, etc., of

License of

The Town Commissioners shall also have the authority and power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and may impose annual tax not exceeding fifty cents on every male dog, or one dollar, on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs, and also shall have power to impose fines and penalties of not less than One Dollar nor more than Five Dollars for the enforcement of any of said ordinances.

Fines and penalties may be collected before whom

The Town Commissioners shall have and are hereby vested with power and authority to prosecute the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance thereof, and which are not specially provided for in this act, all fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid may be collected before the Alderman of said Town, or any Justice of the Peace of said Town, and in default of payment, said Alderman or Justice of

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the Peace may commit for any time not exceeding thirty days.

Section II. That the Assessor of the Town for the time ^{Assessment} being shall, annually, in the month of February, make a true just and impartial valuation or assessment of the real estate within said town, said assessment shall be made personally by the Assessor, and after a view of the premises; an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits, and also an assessment of all live stock and dogs within said town, and the said Assessor shall forthwith after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessments, distinguishing the real and personal assessments of each. ^{Duplicate} The Commissioners shall assess the real estate and ^{Assessment of Assessor} person of the Assessor. The commissioners shall, between the first and fifteenth days of March, cause a full and complete transcript of said duplicate to be posted in a public ^{Transcript} place in said town, there to remain for the space of twenty days thereafter for public inspection; and said commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a court of appeal, which shall continue ^{Appeals} open from one o'clock P. M. until seven o'clock P. M. of the said day, when they shall hear and determine appeals from said assessment. ^{Notices, how given} Notice of the posting of the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said Town. The decision of the Commissioners ^{Decision final} upon any appeals shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be ^{No Commissioner to sit on own appeal} heard and determined by the other commissioners, provided, that the dates fixed in this section shall not apply to the assessment, appeals, etc. for the year nineteen hundred and seven, with this exception, the proceedings for the year nineteen hundred and seven shall be as provided for in this section.

After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied,

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Tax levied on all assessed property in equal proportions assessed and raised on the real estate and persons thus valued and assessed in just and equal proportions and rates.

Assessor to be sworn

The Assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed, before one of the commissioners or a justice of the Peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the commissioners containing the certificate of the election of the Alderman, Commissioners and Assessor. The compensation of the Assessor shall be fixed by the Commissioners.

Certificate

Collector of taxes

Section 12. That the Commissioners shall elect some suitable person tax Collector for the Town; and after having ascertained the sum necessary to be raised on the said town for the purposes of this act, and having apportioned the same on the assessment and valuations aforesaid, shall, yearly, on or before the fifteenth day of May, furnish the tax collector of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax levied on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the Commissioners or a majority of them.

List of taxables

List, how signed

Collector, duty and power of

The tax collector, on the fifteenth day of May, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collectors of the county rates and levies. All taxes shall be due and payable on the fifteenth day of May of the year during which said taxes are levied. A discount of five per centum shall be allowed on all taxes paid on or before the last day of June; five per centum shall be added to all taxes paid after the last day of August. No legal proceedings shall be instituted for the collection of taxes until after the last day of August of the year during which said taxes are levied, provided, that if any person or persons shall remove from said Town his or their taxes shall become due and

Abatement of taxes

Legal proceeding to collect to begin only after August

Proviso: exception

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collectible by law. The said Tax collector shall also before entering upon his duties give bond to the "Commissioners of Newport", with sufficient surety, to be approved by the Commissioners of said Town in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of his office; to which said bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty. The cost of said bond shall be paid out of money belonging to said Town.

The said Tax Collector shall render an account, and pay unto the town Treasurer all money in his hands, on the first Monday of every month and upon the expiration of his term of office and at such other time or times as the commissioners, or a majority of them, shall require. The Commissioners may allow such delinquents as they, or a majority of them, may think proper, the amount of tax levied in each and every year by said commissioners shall not exceed five thousand dollars. The citizens of the Town of Newport are hereby exempted from the payment of all Hundred and Road Taxes. The compensation of the Tax Collector shall be fixed by the Commissioners.

Section 13. That the said Commissioners shall appoint some discreet and judicious citizen, a resident of Newport, town Bailiff. The said Bailiff shall have all the powers and authority, within the limits of said town, of a constable of the State of Delaware in and for New Castle county as to the cognizance of all breaches of the peace and other offenses within said town, and shall hold his office subject to the option of the Commissioners, and his fees and emoluments shall be the same as those of a constable for like services, provided that he shall not serve any civil process except to carry out the provisions of this act. It shall be the duty of said Alderman, commissioners, and bailiff, or of any justice of the peace and constable of New Castle county residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes, or alleys of the said town or in any house situated therein, after night or on the Sabbath day, or at any

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other time or season whatever, and for this purpose it shall be the duty of said bailiff, or any constable, upon the requisition of the Alderman, or of any one of the said Commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending, and to carry him or them before said Alderman or any Justice of the Peace resident in the said Town, and upon conviction before the said Alderman, or Justice of the Peace as aforesaid (whose duty it shall be to hear and determine the case), the said Alderman or Justice of the Peace shall sentence any such person or persons so convicted to pay a fine not exceeding ten dollars, and commit the party to the New Castle County Workhouse for any period not more than five days, or until said fine and the costs be paid. It shall be the duty of the said Alderman or Justice of the Peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said Bailiff, or constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial.

Bailiff to arrest offenders

Fine

Commitment

Warrant

To suppress bonfires, &c.

And firing of guns, etc.

Ordinances

Fines, how collected

Commitment

Fines to be paid to Treasurer

Constable neglect, a misdemeanor

Presentment

Section 14. That it shall be the duty of the said Alderman, Commissioners, Bailiff, or Justice of the Peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes, or alleys of the said town, and to suppress or prevent the firing of guns, pistols, or the letting off of fire-works, or the making or throwing fire-balls within the limits of the said town; and the said Commissioners may enact and publish ordinances with reasonable penalties for preventing the same and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the said Alderman or Justice of the Peace in the town, and in default of payment the said Alderman or Justice of the Peace may commit to the public jail or workhouse of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the Alderman or Justice of the Peace as aforesaid shall be paid over to the Treasurer for the use of the Town. If any constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the Commissioners to present him to grand jury, and upon

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conviction he shall, in addition to the punishment imposed ^{Forfeiture} by the Court, forfeit his office.

Section 15. That there shall be twelve stated meetings in ^{Stated meet-} every year of the said Commissioners, viz: on the first Thurs- ^{ings} day of every month, and special meetings, upon two days ^{Special meet-} notice, at such times as the same shall be called by any three ^{ings} of the Commissioners, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improvement of the side-walks, the planting and protection of ornamental trees, the repair and making of public pumps or waterworks, and for all other matters, relating to the said town, its police, improvements, ornaments and general welfare, as by the commissioners may be deemed proper; provided ^{Proviso} the same be not repugnant to the constitution or laws of this state, and provided further that no ordinance shall be passed until presented and considered at a regular or special meeting of the commissioners and approved by a majority of the commissioners. The said Commissioners shall have full power and authority to impose fines, penalties and forfeitures and provide for their collection, for the violation of any provision of this act or any ordinance enacted in pursuance thereof.

Section 16. That the Commissioners shall have full ^{Commission-} power and authority to make such regulations and ordi- ^{ers, powers of} nances relative to the traveling over and upon said streets, and to the use thereof; also, relative to the standing and placing of carts, carriages, wagons, and other vehicles, or ^{Travelling} other obstruction, in and upon said streets, lanes, alleys, and ^{over streets, etc.} sidewalks; also, as to the running about or otherwise straying ^{Strays, etc.} or ranging around of any horse, cow, hog, or other brute, animals, or geese, in said streets, roads, alleys, lanes and passes in said town, which they, or a majority of them, may deem proper, in order to secure a free and unobstructed enjoyment and use of the same.

Section 17. That the Commissioners, or a majority of ^{Money of town,} them, shall have authority to use the moneys in the treasury ^{how used} of the town for the general improvement, benefit and ornament of the said town as they, or a majority of them, may

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deem advisable; but no money shall be paid out by the Treasurer until an itemized bill has been presented at a regular or special meeting of the commissioners and approved in writing by a majority of the Commissioners.

Certain Acts
repealed

Section 18. The act entitled "An Act to Incorporate the Town of Newport" passed at Dover, April 7, 1873; and the act entitled "An Act to amend an act to incorporate the Town of Newport, passed April 7, 1873", passed at Dover, April 10, 1883; and the act entitled "An Act to incorporate the Town of Newport, as amended by Chapter 191, Current Volume", passed at Dover, April 10, 1883; and the act entitled "An Act to amend chapter 192 of volume 17, Laws of Delaware, entitled "An Act to Incorporate the Town of Newport, as amended by chapter 191, Current Volume," by exempting said Town from the payment of a Road Tax, concerning the "New Castle County Workhouse", exempting manufacturers from taxation and providing for the registering of dogs, and the collection of taxes by attachment process, passed at Dover, March 19, 1903, and all acts or parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void; saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances of the Town of Newport, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in force and effect until repealed, altered or amended by the commissioners of said Town.

Having effect of
repeal

That all acts and doings of the Commissioners of said Town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the Commissioners of said town, are hereby ratified and confirmed; that all debts, fines or penalties or forfeitures due said Town of Newport, and all debts, due from said Town of Newport to any person or persons whatsoever, or to any corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that the powers now conferred by law upon the collector for the collection and enforcement of all taxes

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in said Town heretofore assessed and uncollected shall continue in full force and effect until all the said taxes shall be fully collected and paid; that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due said Town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid and discharged.

Section 19. That this act shall be deemed and taken to be a public act.

Approved March 21, A. D. 1907.

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CHAPTER 196.

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AN ACT authorizing the Commissioners of the Town of Newport to borrow money and issue bonds to secure the payment thereof for the purpose of providing fire protection for the Town of Newport.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Authorized to borrow \$2500.00

Section 1. That the Commissioners of Newport be and they are hereby authorized, and empowered to borrow on the credit of the Town of Newport, a sum not exceeding Twenty-five Hundred Dollars which shall be applied, appropriated and expended for the purpose of acquiring a suitable apparatus for the extinguishment and suppression of fires.

Purposes

Empowered to purchase Fire Engine, etc.

Section 2. That the Commissioners of Newport, be and they are hereby authorized and empowered to purchase a suitable fire engine, hose, and hose-carriage, and such other instruments and machinery for use in suppression of fires as to them may seem expedient and to provide for the care, maintenance and use of the same; to pass such ordinances touching the house regulation, management and control of the said apparatus as to them the said Commissioners, shall, at any time seem expedient.

Ordinance to make effective same

To issue bonds

Section 3. That the Commissioners of Newport be and they are hereby vested with full power and authority to issue, for the purpose of carrying into effect, the provisions of this Act, bonds of the Town of Newport, to an amount not exceeding, in the aggregate the sum of Twenty-five Hundred Dollars, and of the denomination of Five Hundred Dollars, which said bonds shall be dated on the first day of July of the year in which they may be issued, and numbered consecutively, commencing with number one and shall bear interest from and after date, at a rate of interest not exceeding five per centum per annum, payable semi-annually on the

Form and condition of bonds

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first days of January and July in each year while they remain unpaid, at the Newport National Bank, or any other responsible bank in New Castle County at the option of the said Commissioners of Newport on presentation of the coupons representing semi-annual interest, each semi-annually installment of interest being represented by coupons attached to said bonds.

And said bonds shall be payable at the Newport National Bank, or any other responsible bank in New Castle County as the said Commissioners of Newport shall hereinafter determine, on the first day of July, A. D. 1917, but may be redeemed at the option of said Commissioners of Newport at any time after the first day of July A. D. 1908, provided, however, that if the said Commissioners of Newport elect to redeem any of the said bonds according to these terms, such redemption shall be effected either on the first days of July or January and in pursuance of notice signed by the President of the Commissioners of Newport and the Treasurer of the Town of Newport, published for the space of three days, or in one issue each week for three successive weeks in one news-paper published in the City of Wilmington in this State; such notice shall indicate the bond called, and on making the calls the said Commissioners of Newport shall call the bonds according to their number, beginning with the lowest number, and interest on all bonds so called, shall cease from the date named for its redemption.

Section 4. That the Commissioners of Newport shall direct and effect the preparation, printing and sale of the bonds authorized by this act at such time or times and on such terms as they may deem expedient; that all the money realized from such sale shall be applied to carry into effect the provisions of this act. The form of said bonds shall be prescribed by the Commissioners of Newport, and shall be signed by the President of said Commissioners and the Treasurer of said Town, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal Taxation. After the said coupons and said bonds are paid, the same shall be cancelled in such manner as the said Commissioners shall direct.

Section 5. That the said Commissioners of Newport be

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To provide for interest by taxation and they are hereby authorized and empowered to levy and raise by taxation from time to time such sum or sums of money as said Commissioners shall deem proper; to pay all interest accruing on said bonds and to establish a sinking fund adequate for the redemption of said bonds at or before their maturity. Said taxes shall be in excess of, and in addition to the sum or amount authorized to be raised by the said Commissioners by any other act; and shall be levied and raised upon assessable real estate in the Town of Newport; provided that the amount to be raised under this act shall not exceed in any one year the sum of Three Hundred Dollars.

Treasurer to give special bond

Section 6. That the Treasurer of the Town of Newport, shall, to secure the said Town against loss on account of the said money so received from said bonds, enter into a special bond with surety in such amount as shall be fixed by the Commissioners of Newport.

Faith of town pledged

Section 7. That the faith of the Town of Newport is hereby pledged for the payment of any bonds which may be issued under the provisions of this act.

Approved March 14, A. D. 1907.

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CHAPTER 197.

OF CITIES AND TOWNS.

AN ACT to amend Section 1, Chapter 173, Volume 23, Laws of Delaware, being an Act entitled "An Act to re-incorporate the Town of Odessa in New Castle County," approved April 3, 1905, by changing the word "assessors" to "assessor".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring):

Section 1. That Section 1, Chapter 173, Volume 23, ^{Chap. 173, Vol. 23, amended} Laws of Delaware, entitled "An Act to re-incorporate the town of Odessa in New Castle County," approved April 3, 1905, be and the same is hereby amended by striking out the word "assessors" in the sixth line of said Section and inserting in lieu thereof the word "assessor".

Also by adding the words "in said town" after the word "freeholders" in the sixth line of said Section.

Approved February 7, A. D. 1907.

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CHAPTER 198.

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AN ACT to amend Section 5, Chapter 173, Volume 23, Laws of Delaware, entitled "An Act to re-incorporate the Town of Odessa in New Castle County", by changing the provisions therein concerning dogs.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring) :

Chap. 173, Vol.
23, amended

Section 1. That Section 5, Chapter 173, Volume 23, Laws of Delaware, entitled "An Act to re-incorporate the town of Odessa in New Castle County" be and the same is hereby amended by striking out all that part of said Section between the word "town" where first used in the eleventh line of said Section and the word "and" in the fourteenth line of said Section, and also by striking out all that part thereof between the word "assessment" in the twenty-fourth line and "when" in the twenty-seventh line and inserting after the word "duties" in the fortieth line of said Section 5, the following:

Council au-
thorized to pass
ordinances re-
specting Dogs

"The Town Council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and shall impose an annual tax not to exceed One Dollar on every male dog or Two Dollars on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs, and on refusal to register or pay tax may kill them; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances."

Approved February 7, A. D. 1907.

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CHAPTER 199.

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AN ACT to Re-incorporate the Town of Delaware City.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. The town of Delaware City shall be bounded as follows:—Beginning at low water mark in the Delaware River at the entrance to the Chesapeake and Delaware Canal, thence along the southeast side of said Canal to the Main Drain, passing under said Canal, thence with the northeast side of said Main Drain to the Dragon Creek, thence with the northeast side of said Dragon Creek to the North Drain, thence with the southeast side of said North Drain to the bridge on the public road leading from Delaware City to Clark's Corner, thence by and with the northeast side of said public road to its intersection with the northwest boundary of the land of William D. Clark's estate, thence with the northwest boundary of said land to low water mark in the Delaware River, and thence by and with low water mark in said river to the place of beginning.

Limits and Boundaries

Provided, however, that the jurisdiction of said town shall extend over all wharves, docks, piers and other constructions in the Delaware River adjoining the limits of said town and for one hundred yards in the said River beyond such wharves, docks, piers and other constructions.

Jurisdiction to extend to Wharves, &c. in Delaware River

Section 2. The inhabitants of the said town of Delaware City are hereby constituted and continued a corporation or body politic under the name and style of "The Mayor and Council of Delaware City" with power to govern themselves by such ordinances, resolutions, rules and regulations for municipal purposes as they may deem proper, not to conflict with this act, nor with the constitution and laws of this State or of the United States. The said corporation shall be vested with all the powers, rights, privileges, franchises and immuni-

Incorporation

Name

Powers

OF CITIES AND TOWNS.

ties heretofore belonging to "The Mayor and Commissioners of Delaware City" as a municipal corporation, and shall have all the privileges and franchises incident to a corporation or body politic. All laws, ordinances, resolutions, rules and regulations for municipal purposes now in force within said town, not inconsistent with, nor modified or repealed by the provisions of this act, shall continue in force until repealed, rescinded or changed by proper authority.

Old ordinances to remain in force

Additional territory may be added

Procedure

Section 3. The said corporation shall have power to annex any additional contiguous territory upon the petition of the freeholders paying three-fourths of the taxes thereof, and extend and apply to such additional territory all laws, ordinances, resolutions, rules and regulations in force within said town, so far as they may be locally applicable. Before any additional territory shall be annexed to said town, the Council shall pass a resolution describing and defining accurately the territory proposed to be annexed, and shall give notice that the petition for such annexation has been presented by causing copies of said resolution to be posted in at least five public places in said town; and within sixty days thereafter, if sufficient cause to the contrary be not shown to the Council, it may, by ordinance, two-thirds of all the members concurring therein, annex to said town the territory described and defined in said resolution, and such territory shall thereupon become a part of said town.

Specific powers Section 4. The said corporation shall also have power:—

Corporate seal To make and use a corporate seal and to change, alter and renew the same at pleasure;

To sue and be sued, etc. To sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or in any other place whatsoever;

To acquire property for municipal purposes To have, take, purchase, possess, enjoy and retain, by lawful means, to it and its successors, within said town or beyond the limits thereof, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature and quality soever, necessary for municipal purposes and the same to sell, grant, demise, alien or dispose of at pleasure;

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To receive devises, bequests, gifts and donations of all kinds of property within said town and beyond the limits thereof for its own use and benefit, or in trust for charitable, benevolent, educational or other public purposes, and do all that is necessary to carry out the purposes of such devises, bequests, gifts and donations;

To receive devises, etc., for certain purposes

To acquire or erect and maintain public buildings for municipal purposes and to regulate and control the management of the same;

Public buildings

To lay out, establish, maintain or vacate public parks and squares; to lay out, open, grade, extend, widen, improve or vacate streets and alleys, crossings and other highways; to construct, maintain or vacate sewers, drains, gutters and other works for the disposition of sewerage and the drainage of said town; the jurisdiction and control over the squares, streets and alleys, sidewalks, crossings and other highways, to extend from building line to building line;

To lay out, etc., Streets, etc.

To provide for supplying said town and its inhabitants with water, and for the protection of the water to be used from contamination; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying water and to fix, alter, regulate and control the price and use of water so supplied;

To supply town with Water

To provide for lighting the streets and all public places in said town, and for supplying the inhabitants thereof with light; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying such light, and to fix, alter, regulate and control the price and use of light so supplied;

To light town

To fix, alter, establish and determine the lines beyond which no wharf, dock, pier or other construction shall be placed, constructed or maintained in the river fronting on said town;

To establish wharf line

To grant to persons or corporations, in such manner and upon such terms and conditions as it may prescribe, franchises and privileges to locate, construct, extend and operate any enterprise in, upon or through any public park, square, street or other highway; provided that such grant shall be

To grant franchises in town

Proviso

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subject to the right to repeal and revoke the same for the abuse, misuse or non-use of the franchises and privileges granted; and provided further that no ordinance granting any such franchise or privilege shall be passed unless it shall receive the affirmative votes of two-thirds of all the members of the Council;

To regulate storage of gunpowder

To regulate and control the storage, within said town, of gunpowder, or any other dangerously combustible matter, and any explosive oils or compounds; to grant licenses or permits for any lawful purpose and to define the purposes for which licenses or permits shall be required;

To enforce sanitary regulations

To make and enforce sanitary regulations; to define, abate and remove nuisances injurious to the public health or dangerous to the inhabitants of said town; and to prevent the introduction of infectious or contagious diseases; for which purposes its jurisdiction shall extend to any distance within one mile of the limits of said town;

To license to build

To regulate and control the erection of buildings within said town and to require licenses or permits to be taken out before the erection or repair of any buildings;

To prohibit straying at large certain animals

To prohibit the going at large of any horse, cow or other animal, except under regulations prescribed by it; to lay and collect fines on the owner or harbinger of any horse, cow or other animal found going at large in violation of such regulations; and to provide for the registration of dogs in said town;

To enforce fire, police and other regulations

To make and enforce within said town such fire, police and other regulations as are deemed expedient to protect persons and property, maintain the public peace, prevent crimes and promote the public morals;

To make assessments and collect taxes

To make general assessments of property in said town and assess and collect taxes and other rates and charges thereon for municipal uses and purposes; to make and collect special assessments on said property for the cost of any local or general improvement; and to enforce the payment of such taxes and other rates and charges and special assessments;

To borrow money

To borrow money for municipal purposes on the credit of

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the corporation and to issue bonds therefor in the manner and under the restrictions hereinafter provided;

To provide for the payment of the legitimate expenses of the corporation, and for the annual payment, through the medium of a sinking fund or otherwise, of a portion of its bonded indebtedness, now existing or hereafter to be created;

To prescribe the extent of steps, porches, cellar-doors and other outlets to buildings; to regulate the construction and repair of chimneys; and to regulate party walls;

To provide for the submission of questions relating to the corporation to the qualified voters of said town as hereinafter provided;

To make the violation of its ordinances a misdemeanor in all proper cases, and to prescribe the punishment therefor by fine or imprisonment; provided that such fine shall not exceed twenty-five dollars and such imprisonment a term of ninety days;

To exercise all municipal powers necessary to the proper administration of the municipal government, and for the well being of the inhabitants of said town, whether such powers be expressly enumerated herein or not.

Section 5. There shall be one executive officer called the Mayor, three members of the Council, one assessor, one treasurer, and such other officers as the Council, by ordinance, may create and appoint. Whenever the Council shall receive a petition signed by legally qualified voters of said town, the number of whom shall be at least twenty per centum of the number of votes cast at the last general municipal election requesting an increase in the membership of Council from three to five, the Council shall provide for the submission of the question as to the increase in membership to the voters at the next general municipal election and shall give notice in the same manner as hereinafter required to be given before any general municipal election, provided said petition was received by the Council at least thirty days before such general municipal election. If two-thirds of the voters voting at such general municipal election shall favor such in-

To establish
sinking fund

To regulate
building

To provide for
referendum of
municipal
matters

To prescribe
punishment for
certain offences
misdemeanors

To exercise
general municipal
powers

Officers of Corporation

May increase
number of
Council

Election to determine

OF CITIES AND TOWNS.

Majority neces-
sary to change

crease in the number of the members of Council, the legally qualified voters shall at the next subsequent general municipal election in addition to the election of the members of Council as provided for in this act vote for two additional members of Council, one to serve for one year and the other for two years, or until their successors are duly chosen and qualified.

Eligibility of
officers

Section 6. No person shall be eligible to office who is not, at his election, a citizen of the State, and a resident of the town for at least one year. The Mayor must have resided in the town two years next before his election. A member of Council must have resided in the town two years next before his election, and must also be, at the time of his election, a freeholder in the town. No ordained clergyman or minister of the gospel, of any denomination, shall be eligible to any office established under or by virtue of this charter.

Oath of officers

Every officer of said town, before he enters upon the duties of his office, shall take an oath or affirmation to support the constitution of the United States, and the constitution of the State of Delaware, and that he will perform the duties of the office to which he has been appointed or elected, with fidelity.

Treasurer to
bond

The treasurer shall, before entering upon the duties of his office, give bond to the corporation in such amount as shall be determined by the Council, and with surety, to be approved by the Mayor, conditioned for the faithful performance of the duties of his office, and with a warrant of attorney for the confession of judgment thereto annexed. The treasurer shall prepare such reports as the Council may require of him. The Council may, by ordinance, require such other officers of the town to give bond in such manner and with such conditions as it may deem proper.

Treasurer's Re-
portSalaries, etc.,
to be fixed by
ordinances

Section 7. The salaries, fees, or compensation of the officers shall be established by ordinance; but no salary, fee or emolument of any officer shall be increased or reduced, for and during the period of service for which he may have been elected or appointed. No ordinance establishing the salaries, fees or emoluments of any elective office shall take effect previous to the general municipal election then next ensuing,

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and unless notice thereof shall be posted, at least two weeks before said election in at least five public places in said town. The members of Council shall, at no time, receive compensation for their official services.

Section 8. In case of death, removal from the town, resignation, or refusal to act, of any elective officer of said town, or in case any person elected or appointed to any office in said town, shall be ineligible to the same, or shall fail to give bond for the faithful performance of the duties of such office (when such bond is required by law or ordinance) before the time fixed for entering upon the duties of his office, such office shall thereupon be vacant, and the Council shall make temporary appointment to supply such vacancy until the same can be filled at the next general municipal election. An officer elected to fill a vacancy shall hold for the residue of the term of the officer whose place he supplies.

Section 9. The Mayor and Commissioners of said town shall continue to hold office during the respective terms for which they were elected or until their successors have been duly chosen and qualified, provided that from and after the passage of this act such Commissioners shall be known and designated as members of Council. On the first Tuesday in April, A. D., 1907, and on the first Tuesday in April every two years thereafter the Mayor, one member of Council and the Treasurer shall be elected to hold office for the term of two years or until their successors have been duly chosen and qualified. On the first Tuesday in April, A. D., 1908, and on the first Tuesday in April every two years thereafter two members of Council shall be elected to hold office for the term of two years or until their successors have been duly chosen and qualified.

Section 10. The general municipal election shall be held in the Fire Engine House in said town on the first Tuesday in April of each and every year from one o'clock until seven o'clock in the afternoon. The mayor shall, at least ten days before any general election, give notice of such election, together with the officers to be elected thereat, by posting notices in five or more public places in said town. There shall be an inspector and two judges, which judges shall also act as clerks at such election, elected by the Council. At

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Qualifications of electors such election every citizen of said town, who shall have attained the age of twenty-one years and shall have resided in said town one year next preceding the day of election, and is a taxable thereof, and shall have paid a town tax within twelve months prior to the day of holding said election, shall have a right to vote. But no one shall be permitted to vote who has been declared a delinquent for the year next preceding the election. The inspector and judges of the election shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted in public, and the persons, having the highest number of votes shall be declared duly elected and shall continue in office during the term for which they were chosen, or until their successors are duly elected. Immediately after such election the persons under whose superintendence the election is held, shall enter in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen Mayor, members of Council or Treasurer, and shall subscribe the same and give the persons so elected, certificates of their election. The book containing such minutes shall be kept and preserved by the Council.

Declaration of result of election

Entry in record result of election

All elections shall be by ballot and a plurality of votes cast shall make a choice.

Failure to hold election, effect of A failure to hold an election on an election day, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until the next general municipal election.

Mayor, duty of Section II. It shall be the duty of the Mayor to see that the laws and ordinances of the said town are faithfully executed. He shall have the custody of the seal of the corporation and the right of affixing the same. He shall approve, or veto, all ordinances, acts or resolutions of the Council. If approved, shall write "approved"; if not approved shall write "not approved", and shall sign the same; at the same time, in writing, he shall state his objections; whereupon the Council may reconsider its vote, and if the Council is unanimous, or after the number of members of Council is increased to five, two-thirds of all the members elected to Council favor such ordinance, act or resolution, such ordinance, act or resolution

Veto power

OF CITIES AND TOWNS.

shall become a part of the ordinances, acts and resolutions of said town.

He shall countersign all drafts on the treasurer, with approval or non-approval; if not approved, the treasurer must not pay such drafts. The Mayor shall also have power to take and certify under his hand and the seal of the corporation acknowledgments of deeds, mortgages, letters of attorney and other instruments of writing, and to administer oath and affirmation.

Countersign
warrants

Section 12. The Mayor is hereby constituted a conservator of the peace, within said town, and is authorized and empowered to exercise, within said town, all the authority which a Justice of the Peace may exercise under the laws of this State, with power to commit persons guilty of a breach of the peace to the New Castle County Workhouse, or to such place as may, for that purpose, be provided by said town. He may take recognizance for keeping the peace, for being of good behavior, or for appearance, or otherwise. The Mayor shall have jurisdiction of all offenses which shall be committed within said town against any of the laws of the State, laws, ordinances, regulations or constitution of said town which are or may hereafter be prescribed. He shall have jurisdiction and authority over the neglects, omissions or defaults of the town police, treasurer, assessor or any other person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof. Provided, that he shall not impose any fine exceeding twenty-five dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by proper authority. The fees of said Mayor shall be the same as are allowed justices of the peace for similar services under the laws of this State. It shall be the duty of the Mayor to keep a book of record or docket in which all judicial proceedings before him shall be entered, and he shall upon the expiration of his term of office deliver over to his successor such book of record or docket within ten days after the election and qualification of such successor. Prosecution before the Mayor shall be by information without indictment by grand jury or trial by

Powers of Justice of Peace
conferred on
Mayor

Proviso
Limit of jurisdiction

Fees of Mayor

Mayor's Record

OF CITIES AND TOWNS.

- Process, by whom served petit jury. Process issued by the Mayor may be directed to any county constable or to the sheriff of any county who shall execute the same in like manner, and be subject to the same penalties, as in other cases. In case of sickness or unavoidable absence, any member of Council shall have, during such sickness or absence, the same power and authority as could, under the circumstances, be exercised by the Mayor.
- Power of Council in absence of Mayor
- Meetings of Council Section 13. The regular meetings of the Council shall be held on the first Monday of each month. At the first regular meeting in May the Council shall choose a Secretary who may be removed at any time for any cause deemed sufficient by a majority of said Council. It shall be the duty of the said Secretary to record all the proceedings of the Council and keep a correct journal of the same in a book or books, to be provided for that purpose and also the papers relative and belonging to said town, all of which are to be carefully preserved and delivered to his successor in office. His compensation shall be fixed by the Council. No ordinance, except in cases of emergency, shall be passed by the Council except at a regular meeting and unless such ordinance has been introduced at some previous regular meeting and copies of the proposed ordinance posted in five public places in said town at least ten days before final action of the Council thereon.
- Secretary, duty of
- Ordinances to be passed at regular meetings
- New streets, how may be opened
- Damages Section 14. The Council shall have the power upon the application of five or more citizens of said town, being seized of estates of freehold situate in said town, by petition to it for that purpose, to locate, lay out, or open any street or alley which said five or more freeholders of said town may desire to be located, laid out and opened, allowing to the persons respectively, through or over whose ground such street or alley may run, such compensations or damages therefor as it shall deem reasonable and just under all the circumstances, which compensation, if any be allowed, shall be paid by the treasurer of said town, out of the moneys of said town on warrants drawn on him by the proper authority.
- Notice to owner, to contain what Section 15. Whenever the Council shall have proceeded to locate and lay out any street or alley and shall have fixed the compensation therefor, it shall be its duty immediately after the survey and location of said street or alley to notify

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in writing the owner or owners of the real estate through or over which such street or alley may run, of its determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each. And if such owner or owners do not reside within the said town, to notify the holder of said real estate. If any owner or owners be dissatisfied with the amount of damages or compensation, he or they may, within ten days after receiving notice from the Council as aforesaid, appeal from the said decision or assessment by serving a written notice to that effect on the said Council, or any member of said Council. In order to prosecute said appeal, it shall be the duty of said Council, to make application to the resident judge of New Castle County, who shall appoint five impartial freeholders of said county. The said freeholders shall view the grounds to be so taken or occupied, and taking into consideration the advantages, as well as the disadvantages which may arise to the property, they or a majority of them, shall assess the damage which might be done to the said property, and return the same, under oath or affirmation, to the Council, which shall cause such return to be entered on its journal, and upon the payment or tender of the said assessed damages to the owner or owners of the property, the said property may be taken or occupied.

The award of said freeholders shall be made within fifteen days after their appointment by the said resident judge. The said freeholders shall, severally, receive and be allowed for each day's actual service the sum of two dollars. Any freeholder so summoned, neglecting or refusing to serve, shall be subject to a penalty of twenty-five dollars, collectible as a common debt. In case of sickness, or unavoidable detention of any freeholder or freeholders, the said resident judge shall appoint, forthwith, impartial freeholders to fill the vacancy so occasioned.

Section 16. The Council is hereby empowered upon the written petition of five or more freeholders of said town to notify, in writing, the owner or owners of any house or land in said town, before or in front of which the said Council may

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deem proper that a payment should be laid, to lay a pavement of brick, concrete or any other material which may be approved by said Council. The length and width of such pavement may be prescribed by said Council, but no person shall be obliged to pave any sidewalk or footway to a greater width than four feet in front of any vacant lot or lots not near or adjoining any dwelling house. If such owner or owners shall neglect or refuse for the space of twenty days after being notified as aforesaid, to lay such pavement, he, she or they shall forfeit and pay to the Town of Delaware City for the use of said Town the sum of five dollars for each day, thereafter during which such pavement shall remain unlaid as aforesaid; and also upon the neglect or refusal aforesaid it shall and may be lawful for "The Mayor and Council of Delaware City" to cause pavements to be laid and to recover the cost of the same together with the penalty above prescribed by the sale of the house, lot or both before or in front of which such pavement was laid. Notices of such sale posted in at least five public places in said town for at least fifteen days before such sale shall be all the notice required to be given before the sale of such house, lot or both; and such cost and other charges shall be a first lien upon such house, lot or both. Any surplus of money remaining after any such sale shall be returned to the owner or owners entitled to receive it. If no owner or owners entitled to receive the same can be found or if such owner or owners shall refuse to receive or be incapable for any cause of receiving the same, such surplus of money shall be deposited in the Delaware City National Bank to the credit of such owner or owners and subject to his, her or their order.

Owner falling
to pave subject
to fine

Council may
pave and re-
cover cost

Notice of sale

Lien of cost of
paving

Surplus, dispo-
sition of

Repairing
pavement

If any pavement already made shall at any time be deemed an insufficient pavement by said Council, it shall have power and is hereby required to notify, in writing, the owner or owners of the house or lot before or in front of which such pavement is or has been laid, to repair the same; and if such owner or owners neglect or refuse so to do for the space of twenty days, he, she or they shall be liable to the same penalty as above prescribed, and the said "The Mayor and Council of Delaware City" shall cause the same to be done and recover the cost of the same together with the

OF CITIES AND TOWNS.

same penalty in the same manner as prescribed for the recovery of cost and penalty where new pavements have been laid.

The Council may notify, in writing, the owner or owners ^{Owner to curb} of any house or lot in said town to curb or re-curb before or in front of such house or lot with any material which may be approved by said Council; and if such owner or owners neglect or refuse so to do for the space of twenty days, he, she or they shall be liable to the same penalty as above prescribed, and the said "The Mayor and Council of Delaware City" shall cause the same to be done and recover the cost of the same together with the same penalty in the same manner as prescribed for the recovery of cost and penalty where new pavements have been laid. ^{Penalty for refusal}

The Council may notify, in writing, the owner or owners ^{Sidewalks other than paving} of any house or lot in said town to cover the sidewalk before or in front of such house or lot with gravel, sand or other suitable material in case said Council deems such sidewalk not proper to be paved; and if such owner or owners neglect or refuse so to do for the space of twenty days, he, she or they shall be liable to the same penalty as above prescribed, and the said "The Mayor and Council of Delaware City" shall cause the same to be done and recover the cost of the same together with the same penalty in the same manner as prescribed for the recovery of cost and penalty where new pavements have been laid.

The Council shall also have power and it is hereby authorized to order and direct the owner or owners of any house or lot situate on any street where there is or may hereafter be a water main or sewer main, to tap the water main or the sewer main in said street, and to connect said sewer main or said water main by pipe with the property so situated on said street aforesaid; and if such owner or owners neglect or refuse so to do for the space of twenty days, he, she or they shall be liable to the same penalty as above prescribed, and the said "The Mayor and Council of Delaware City" shall cause the same to be done and recover the cost of the same together with the same penalty in the same manner as prescribed for the recovery of cost and penalty where new pavements have been laid. ^{Owner to connect with sewer} ^{Penalty for refusal}

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Notice, what
sufficient

If there be more than one owner of the premises affected by the paving, re-paving, curbing, re-curbing or tapping of water or sewer main, notice to one shall be deemed sufficient, and if there be no owner of said premises resident in the town of Delaware City, notice to the occupier thereof shall be deemed sufficient, and if there be no occupier, then the posting of said notice upon the premises shall be deemed sufficient.

Owner in re-
version liable
for expenses of
improvement

If any lot or lots on any street of said town shall be held or owned by a widow or widows in right of dower, such expenses incurred under any of the provisions of this section for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple, and if such owner or owners be minors at the time such expenses are incurred, then such expenses shall be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors and a receipt therefor to such guardian or agent shall be a sufficient evidence of such payment, and be allowed in his or her guardian's or agent's account. And if not paid by the guardian or agent as aforesaid on the presentation of the bill, the same shall remain on interest from the day of presentation and shall be a lien against such lot and improvements until paid. All subsequent repairs named in this Act shall be kept up at the expense of such holder in right of dower.

Guardian may
pay and be
allowed in ac-
count

Otherwise a
lien

Repairs to be
paid by holder
of dower right

Board of
Health

Section 17. The Council shall appoint at the regular meeting in May of each year three substantial citizens, at least one of whom shall be a practicing physician, who shall constitute a Board of Health for said town and who shall serve for one year. The said Board of Health shall take cognizance of the interests of health among the people of said town and shall report to the Council in writing whatever in its judgment is injurious to health. The said Board shall have all powers now or hereafter vested by the laws of this State in boards of health generally, and also such additional powers as may be conferred by ordinances adopted by the Council. The members of said Board shall organize by the election of a president and a secretary within ten days after notice of their appointment, and said Board shall keep a record of its proceedings.

Powers and
duties

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Section 18. If any person or persons, firm or corporation shall hereafter erect or set up a plant for the purpose of manufacturing therein, within the limits of said town, the Council shall have power to remit all taxes that may be levied or imposed on said plant for town purposes, for a period not exceeding ten years, but such remission of taxes as aforesaid shall be at the discretion of the Council.

Exemption from tax on certain property

Section 19. No circus, menagerie, theatrical or minstrel company or any such exhibition of any kind shall be exhibited or bills posted therefor or parade thereof on any of the streets, alleys or lanes of said town; nor shall any person, firm, company or corporation, open, set up, or attempt to open or set up any pool or billiard room or any other room for the purpose of amusement for which a charge for profit is made, direct or indirect; or any temporary place of business for the purpose of selling or offering for sale, by auction or otherwise, any goods, wares, merchandise or articles of any kind; or peddle, take orders for or deliver any goods, wares, merchandise or articles of any kind on any of the streets, lanes and alleys, within the limits of said town without having first obtained permission of the council which shall hereby have power to grant licenses for that purpose, the charge for the same to be at its discretion. Provided, that the foregoing provisions shall not apply to theatricals or other entertainments gotten up by the citizens of said town, or to any farmer, trucker or fisherman selling such farm produce or fish as is of his own growing or catch, or any salesman taking orders from or selling to any licensed merchant. Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof before the Mayor or any Justice of the Peace shall be fined in a sum not exceeding twenty-five dollars for each and every offense. Each days violation of the provisions of this Act shall constitute a separate offense.

Empowered to grant licenses to circus

Pool or Billiard rooms, etc

Auction rooms

Peddlers

Proviso: Exceptions

Penalty for violating this section

Section 20. From and after the passage of this act the road commissioners of Red Lion Hundred shall not levy nor shall any receiver or collector of taxes collect any road tax on or from any property situated within the limits of the town of Delaware City. Provided, That nothing in this Section shall impair the right of any receiver or collector of taxes

Road tax not to be levied on property in town

Proviso

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to collect any tax which may have been levied, but uncollected, from any property within the limits of said Town prior to the first day of January, A. D. 1907.

Relating to
Sinking Fund

Section 21. The Council may with the consent of the holders of the bonds issued by said town, under an act, entitled "A further additional supplement to an Act, entitled 'An additional supplement to an act entitled 'An Act for the better regulation of the streets of Delaware City and for other purposes, passed at Dover, March 5, 1851'", approved, March 23, A. D. 1898, reduce the sinking fund required to be raised by said Act to Two Hundred Dollars per year.

Town Con-
stable, duty of

Section 22. The Council shall elect a town constable, who shall exercise the same powers, and be entitled to the same fees as a county constable in similar cases, and may pursue beyond the limits of said town, with or without warrant, any violators of the laws or of the ordinances of said town, and arrest any such persons, and bring them back into said town for trial, or take them before any Justice of the Peace that they may be dealt with according to law. In any case of necessity he may command the aid of any citizen or citizens.

Old maps of
Delaware City
declared true
maps, etc.

Section 23. The map or plan of Delaware City, recorded in the Recorder's office at New Castle, in 1871, signed and sealed by the Commissioners, showing all the streets, squares, lanes and alleys as extended, and also in conformity with the Commissioners' map of 1851, such map and the duplicate thereof, being so signed and sealed, shall be public record, and the same, or any office copy thereof, shall be competent evidence. The said map shall be deemed and taken to be a true map, plan or ground plot of said town, and all the streets, squares, lanes, alleys and wharves of the town, shall be and remain as they are laid down upon said map, with such extensions and alterations as may hereafter be made by authority of the laws of this State.

Land marks

Section 24. The several posts and mark-stones now set and fixed in the earth, in the middle, on the sides, or near the sides of the streets of said town, as well as such other posts and mark-stones, as shall, from time to time, be set and fixed in the earth by the town surveyor or regulators, shall, in all cases and in all courts of law, within this State, be

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deemed, taken and allowed as land-marks. And if any person shall willfully pluck up, or remove, any of said posts or mark-stones, such person shall, for every such offense, forfeit and pay a fine of one hundred dollars, and the Council may reward the informer of such offense, by allowing him a portion of said penalty, not exceeding a moiety thereof.

Penalty for removing

Section 25. The Council shall, at a special meeting to be held on the second Tuesday in April of each year, elect an assessor who shall be a legally qualified voter of said town and who shall, before entering upon the duties of his office, be duly qualified by oath or affirmation to perform the duties of his office to the best of his knowledge, and without favor or partiality. The said assessor shall on or before the first Tuesday in May make a true, just and impartial valuation and assessment of all the real estate within said town and of all the personal property subject to county taxation within said town, locating each parcel of real property by the street and square, and also an assessment of all the male residents in said town above the age of twenty-one years, as well those owning as those not owning real and personal property within said town. The said assessor shall on the first Tuesday in May deliver to the Council a typewritten copy containing the names of all persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each, and shall upon the said first Tuesday in May hang a typewritten duplicate of such assessment in the post office, or such other place as the Council shall, by ordinance, designate, there to remain for the space of two weeks for public information. And the said Council shall on the third Tuesday in May hold a court of appeals which shall continue open from six o'clock P. M. until nine o'clock P. M., when it shall hear and determine appeals from said assessment. Notice of the hanging up of the assessment list and also of the time and place of hearing appeals shall be given by notices posted by the assessor in at least five public places in said town. The decision of the Council upon any appeal shall be final and conclusive. No member of Council shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by said Council, all taxes shall be levied, assessed and raised on the real estate, personal property and

Assessor, election and duty of

Copy of assessment, when delivered and what to contain

Appeals from assessment

Notices

Decision of Council final

OF CITIES AND TOWNS.

persons thus valued and assessed, in just and reasonable proportions and rates.

Duplicate of taxes, when delivered and what to contain

Section 26. The said Council after having ascertained the sum necessary to be raised and having apportioned the same on the assessment and valuation aforesaid, shall, on the first Tuesday in June of each year furnish the treasurer of said town, who shall be the collector of taxes for said town, with a duplicate containing the names of the taxables as well the owners of real estate and taxable personal property, as those not owning real estate or taxable personal property, distinguishing between them, and also the tax levied on each person and also the tax on the whole valuation and assessment and the rate per hundred dollars. The said duplicate shall have a warrant annexed thereto and shall be signed by the Mayor and a majority of the members of Council. The said Treasurer shall, upon receiving such duplicate, post notices in at least five public places in said town, that the taxes for the ensuing year are due and payable, which notice shall be all that is required to be given before proceeding to collect the taxes of any taxable under the provisions of Section 27 of this act. The said treasurer shall sit at some convenient place on the first Tuesday in August of each year, from nine o'clock A. M. until eight o'clock P. M., with intermission from twelve o'clock M. until one o'clock P. M., and from five o'clock P. M. until six o'clock P. M., for the purpose of receiving taxes; he shall also sit on the first Tuesday in December at the hours aforesaid for the same purpose. On all taxes paid before the first day of October, there shall be an abatement of five per centum; on all taxes paid after the first day of October and before the first day of January there shall be no abatement; and on all taxes paid after the first day of January five per centum thereon shall be added thereto.

By whom signed

Notices posted that taxes are due

Treasurer, when to sit to receive taxes

Abatement of taxes

Treasurer liable for amount in duplicate

Section 27. The said Treasurer and his sureties shall, upon the delivery to him of the duplicate and warrant, be responsible for the whole amount of the taxes he shall be required to collect or that shall be committed to him for collection subject only to allowances made by the Council for delinquences, commissions or otherwise. His death shall not effect his liability but his powers shall devolve upon his executor or administrator.

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All taxes assessed against the owner of real estate shall constitute a lien against all such real estate within the town for the space of two years after the date of the Treasurer's duplicate, but if said real estate remains the property of the person to whom it is assessed then the lien shall continue until the tax is collected. Taxes a lien

If any person is taxed for several parcels of real estate, or for capitation, personal and real estate in the same tax, the whole of such person's taxes may be collected either out of the real or personal estate, or any part thereof; provided, that no land alienated shall be sold, if the person taxed have other sufficient property. What property liable for tax

In the case of life estate, the interest of the tenant for life shall first be liable for the taxes. Life tenant's interest first liable

In all cases where any real estate is liable for payment of taxes such real estate or so much thereof as is necessary to pay the taxes, costs, and expenses, shall be sold by the Treasurer at public auction to the highest bidder after notice has been given of the levy, of the amount of the taxes, and of the time and place of sale, in some newspaper published in New Castle County at least once a week for the space of three weeks, and copies of the said notice have been posted in at least five public places in said Town for the same period. Treasurer to sell property to pay taxes in arrears
Notice of sale

If the person to whom the estate is taxed be a resident of the said Town, the Treasurer shall, in addition to the foregoing, cause notice of his levy, of the amount of the taxes, and of the time and place of sale, to be left at his place of abode, at least twenty days previous to the day of sale, and if the person so assessed is not a resident of said Town the notice herein provided for shall be left with the tenant in possession, if there be one, or if there is none, then posted upon the premises. Personal service when necessary
Notice, service on tenant, when sufficient

No entry upon the land or premises by the Treasurer shall be deemed necessary, but the Treasurer in all cases of the sales of real estate shall make a return of all his proceedings to the Council at the next regular meeting after such sale. Any surplus of money remaining shall be returned to the owner or person entitled to receive it. If no owner or person Entry on land unnecessary
Return of sale
Surplus, disposition of

OF CITIES AND TOWNS.

entitled to receive the same can be found by the Treasurer, he shall deliver such surplus of money to the Council, who shall hold the same subject to the call of the owner thereof.

Deed, by whom made

The deed of any real estate, or any interest therein, sold for the payment of taxes, shall be made and executed by said Treasurer, and shall vest in the purchaser, subject to the right of redemption hereinafter provided, all the estate, right and title the owner thereof had in and to such real estate at the time said taxes were assessed, free from any interest or encumbrance thereon.

Title acquired

Redemption of property sold for taxes

The person who owns any real estate sold for taxes, at the time of the assessment, or any interest therein, his heirs, assigns or devisees, may redeem the same upon repaying to the purchaser the amount paid therefor, with twenty-five per centum in addition, within two years after the sale, or within six months after final judgment has been rendered in any suit in which the validity of the sale is in question; provided, said suit be commenced within one year after said sale.

Levy on personal property

In all cases the Treasurer may seize and levy upon personal property for the payment of taxes, and where personal property may be so levied or seized, he shall cause a notice thereof and of the time and place of sale to be left at the place of abode of the owner or personally to be given to him at least five days previous to the appointed time of sale, if such owner have a place of abode in said Town.

Sale, notice of

Advertisement of sale

The Treasurer shall also, in all cases, advertise the same for three successive weeks in a newspaper published in New Castle County, and shall also post notices in five public places in said Town at least twenty days previous to the appointed time of sale.

Treasurer to sell unless tax, etc., paid before hour of sale

If such owner do not pay the amount of tax, and all costs and charges, by the time appointed for the sale, the Treasurer shall sell the same, or enough to pay said tax, costs and charges, at public auction.

Surplus, disposition of

Any property or surplus of money remaining shall be returned to the owner or person entitled to receive it. If no owner or person entitled to receive the same can be found by

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the Treasurer, he shall deliver such property or surplus of money to the Council, who shall hold the same subject to the call of the owner thereof.

If any person or property taxed in said Town removes or is removed into any part of the State before the taxes are collected, the Treasurer may follow such person or property and seize, levy or collect the taxes with the same power as if not removed. Treasurer may follow property removed

Any sale of real or personal estate or of any interest therein, liable for the payment of taxes, may be adjourned from time to time. May adjourn sale

The Treasurer may recover the amount of tax in an action of debt against the person taxed, before any Justice of the Peace in New Castle County, provided, the amount thereof be not more than Two Hundred dollars; and where the amount of the taxes is more than Two Hundred Dollars, in the Superior Court of New Castle County, and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions. Treasurer may sue for taxes

If judgment be rendered in favor of the Treasurer, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, to be taxed by the Court in the costs, and execution shall issue against the real estate or personal estate of the defendant; provided, no execution against the real estate shall issue except out of the Superior Court of New Castle County. Where such judgment is recovered before a Justice of the Peace, and it is the desire of the Treasurer to proceed against the real estate of the defendant, the said Treasurer shall take a transcript of the judgment from the Justice of the Peace and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment as aforesaid shall be deemed to relate back and take effect from the date of the Treasurer's duplicate as aforesaid. Right of appeal

The Treasurer shall have the same right to require the Judgment to include allowances for trouble, etc.

Execution, may issue

Judgment before Justice may be extended

Lien of judgment

OF CITIES AND TOWNS.

Treasurer to have same right, etc., as Sheriff
Attachment of wages

aid or assistance of any person or persons, in the performance of his duty, which a sheriff now has by law.

The Treasurer may at any time notify the person or corporation by whom any taxable is employed that the tax of such employee is due and unpaid and it shall be the duty of such employer to deduct from the wages of such employee the amount of the tax due from such employee and charge the same against him, and if such employer neglect or refuse to comply with such notice within three months from the time of receiving such notice, he shall be personally liable for the taxes of such person so employed by him and the same may be recovered as provided in this section for the recovery of taxes. When such taxes are held by such employer he shall pay the same to the Treasurer within thirty days thereafter.

Liability of employer

Treasurer, when to proceed to collect taxes

Treasurer, when to settle

Funds, how paid

Authorized to borrow money

The Treasurer shall proceed to collect all taxes due and unpaid on the first day of February of each year under the provisions of this section, provided he may collect such taxes under the provisions of this section at any time after receiving his duplicate. He shall on the third Tuesday in March settle in full with "The Mayor and Council of Delaware City" for all taxes required to be collected by him during such year, except such delinquencies and commissions as the said Council shall allow. If the said Treasurer shall fail to settle in full on the said third Tuesday in March the said "The Mayor and Council of Delaware City" shall proceed against him and his sureties for the balance due from him for such taxes.

The said Treasurer shall discharge himself of all moneys in his hands by drafts drawn on him by order of the Council which drafts shall be signed by two members of the Council and countersigned by the Mayor. The said Treasurer shall receive a reasonable compensation for his services to be determined by the Council."

Section 28. "The Mayor and Council of Delaware City", under the restrictions hereinafter provided, may borrow for municipal purposes on the credit of said town such sum or sums of money, at such time or times, as they may deem proper, not to exceed eight per centum of the assessed value

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of the real estate of said town and issue bonds for the pay-^{Proviso:}ment of the same; provided, however, that the total indebted-^{Limitation of}ness, of every kind, shall not exceed eight per centum of the sum borrowed assessed value of said real estate; and provided further, that the said eight per centum may be exceeded for the purpose of borrowing any sum or sums of money to refund or pay off any bond issue or issues of said town.

Section 29. "The Mayor and Council of Delaware City",^{Authorized to} for the purpose of carrying into effect the provisions of Sec-^{issue bonds}tion 28 of this Act may issue bonds of such denomination as they may deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually. The principal of each issue of said bonds shall be made payable in thirty years from the date of the issue thereof, the said "The Mayor and Council of Delaware City" reserving the power^{Redemption of} and authority of redeeming said bonds or any part of them at bonds the expiration of ten years from the date of the issue of the same. The said bonds shall be signed by the Mayor and countersigned by the treasurer, and shall be sealed with the corporate seal, and be exempt from all State, County and^{Bonds exempt} Municipal taxation. from taxes

The said Council is authorized, empowered and directed to^{Sinking Fund:} levy, assess and collect annually in the same manner as provided by law for assessing and collecting other taxes for municipal purposes, a special tax for the purpose of establishing a fund adequate to the redemption at or before maturity of all the bonds of any issue; provided, that the amount to be raised for the purpose of establishing said sinking fund shall not exceed the sum of five per centum of the amount of such issue.

Section 30. Before any sum or sums of money shall be^{Submission of} borrowed, the question of borrowing such sum or sums shall^{question of} be submitted to the voters of said town, and be approved by^{borrowing to} a majority of the votes cast at a special election, and at^{special election} every such election each person within said town, being a resident thereof, shall have the right to cast one vote for^{Qualifications} every dollar and fractional part of a dollar of tax assessed to of electors him or her respectively; and that every male and female shall have the right to vote; provided that he or she shall have paid all taxes heretofore levied and assessed against him or

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Notice of election

her and shall produce a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election and the purpose thereof shall be posted in at least ten public places in said town, at least twenty days before the time of such election.

Initiative and referendum

Section 31. Whenever at least fifty legally qualified voters of said town shall petition the Council requesting a vote upon any ordinance or any matter which may be the subject matter of an ordinance for an election thereon, the Council shall appoint a day for such election and shall choose an inspector and judges therefor, and give the same notice for such election as is required to be given at a general municipal election. If two-thirds of the votes cast at such election shall be against such ordinance, such ordinance shall be repealed as though repealed by the action of Council; or if two-thirds of the votes cast at such election shall favor any such matter which may be the subject matter of an ordinance, such matter shall be an ordinance as though passed by the Council in the manner prescribed in this act. The subject matter of any such petition may also be the question of any municipal improvement.

Limitation in granting franchise

No ordinance granting any franchise shall take effect or confer any rights until three months after the passage thereof, or unless such ordinance shall sooner be submitted to the legally qualified voters of said town and shall be approved by a majority of the votes cast at a special election. Such ordinance shall be submitted to the legally qualified voters of said town upon petition for that purpose signed by at least fifty legally qualified voters, submitted to the Council at any time within three months after final action of the Council upon such ordinance and unless such ordinance shall be approved by a majority of the votes cast at a special election such ordinance shall be repealed as though repealed by action of the Council.

Qualified voter defined

The number of voters necessary to petition in order to secure an initiative or referendum vote may also be increased in the manner prescribed in this Section. A legally qualified voter shall mean a voter qualified to vote at the last general municipal election, and any one may vote at any special elec-

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tion who was qualified to vote at the general municipal election next preceding.

The Council may also submit any question which it may deem proper to the referendum vote of the legally qualified voters of said town. Whenever the Council shall receive a petition for an election as prescribed in Sections 31 and 32 of this Act, it shall provide for an election to be held not more than sixty days from the time such petition is received.

When special election to be held

Section 32. The legally qualified voters of said town may decide by an initiative or referendum vote as prescribed in Section 30 of this Act the manner by which any sewer or sewers shall be constructed or paid for, and if any part of the construction thereof shall be required to be paid by the owner or owners of any property fronting on such sewer or sewers, "The Mayor and Council of Delaware City" may collect the part to be paid by any such owner or owners in the same manner as is prescribed in this Act for the collection of the cost for laying pavements caused to be laid by the said "The Mayor and Council of Delaware City".

Sewer question may be submitted

Section 33. The Act entitled "An Act for the better regulation of the Streets of Delaware City, and for other purposes," passed at Dover, March 5, 1851," (being Chapter DXCII of Volume 10, Laws of Delaware) and all Acts amendatory thereto or supplementary thereof, and all other Acts or parts of Acts inconsistent herewith are hereby repealed; expressly exempting and excepting however, from any repeal the Act entitled "An additional supplement to an Act entitled 'An Act for the better regulation of the streets of Delaware City, and for other purposes', passed at Dover, March 5, 1851", passed at Dover, March 22, 1897, (being Chapter 539 of Volume 20, Laws of Delaware), and also an Act entitled "A further additional supplement to an Act entitled an additional supplement to an Act entitled an Act for the better regulation of the streets of Delaware City and for other purposes passed at Dover, March 5, 1851", approved, March 23, A. D. 1898, and all Acts amendatory to or supplementary of the said Acts hereby exempted.

Repealer

Exceptions

All the acts and doings of the Mayor and Commissioners of said town, or of any officer of said town, lawfully done or

Acts, etc., done by authorities ratified

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performed under the provisions of any law of this state, or of any ordinance of said town, are hereby ratified and confirmed. All debts, fines or penalties and forfeitures due to said town, and all debts due from said town to any person or persons or to any corporation are declared to be unaffected and unimpaired by this repeal, and all the laws of the state for the collection and enforcement thereof, shall continue in full force until the same shall be lawfully paid.

Debts, fines, etc., unaffected

Tax Collector's power unaffected

Official bond, unaffected

All the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid. The official bond of said collector shall be unaffected and unimpaired by this repeal, and he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and all proceedings, heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town under any law or ordinance shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 34. This Act shall be deemed and taken to be a public Act.

Approved April 11, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 200.

OF CITIES AND TOWNS.

AN ACT to Authorize "The Town Commissioners of the town of Middletown," to borrow money and issue bonds therefor for the purpose of paying off the balance of the bond issue of 1887.

Whereas, "The Town Commissioners of the town of Middletown" were authorized and empowered by an act of the General Assembly passed at Dover, February 10th, 1887, to issue bonds on the faith and credit of the town of Middletown to an amount not exceeding fifteen thousand dollars of such denomination as they should deem best, bearing interest at a rate not exceeding six per centum per annum, payable in not less than ten years and not more than twenty years from the date of their issue, and,

Whereas, the amount of bonds outstanding and falling due December 1st, 1907, is thirteen thousand dollars, and it is necessary to borrow said sum for the purpose of paying off said bonds at maturity,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That "The Town Commissioners of the town of Middletown" be and they are hereby authorized and empowered for the purpose of redeeming and paying off the the bonds heretofore issued by "The Town Commissioners of the town of Middletown" by virtue of an act of the General Assembly of the State of Delaware, passed at Dover, February 10th, 1887, to issue the bonds of the said "The Town Commissioners of the town of Middletown" to the amount of thirteen thousand dollars. The bonds shall be of such denomination as the said "The Town Commissioners of the town of Middletown" may deem best and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually at any bank or trust company in the town

Authorized to
refund bonds

Conditions of
bond issue

OF CITIES AND TOWNS.

of Middletown. The principal of said bonds shall be made payable in thirty years from the date of the issue thereof, the said "The Town Commissioners of the town of Middletown" reserving the power and authority of redeeming said bonds or any part of them at the expiration of ten years from the date of the issue of the same, provided that if the said "The Town Commissioners of the town of Middletown" elect to redeem any of said bonds at the expiration of ten years from the issue thereof, such election shall be effected on any day on which the semi-annual interest is due, and in pursuance of a notice to that effect published by the said "The Town Commissioners of the town of Middletown" in at least four issues of two newspapers, one published in the city of Wilmington and one in the town of Middletown. In calling said bonds for redemption and payments, they shall be called consecutively, commencing with the lowest number of the issue, the interest on said bonds so called shall cease from the date of the redemption thereof, and the said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said "The Town Commissioners of the town of Middletown", if they deem it expedient, may redeem or pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Section 2. That the said "The Town Commissioners of the town of Middletown" shall direct and effect the preparation and printing of the bonds authorized by this act, and shall also prescribe the form of said bonds, which shall be signed by the President of the said "The Town Commissioners of the town of Middletown" and countersigned by their Treasurer, and shall be sealed with the corporate seal of the corporation, and be exempt from all State, County and Municipal taxation. As the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said "The Town Commissioners of the town of Middletown" shall direct, and the said "The Town Commissioners of the town of Middletown" shall negotiate the sale and delivery of the same, and the moneys, the proceeds of the sale of said bonds, shall be deposited with their Treasurer for the purpose of paying off the bonds aforesaid. Provided, however, that

Redemption of
bonds

Town may
purchase
bonds

Town to pre-
pare bonds

How executed

Town to sell
bonds

Funds used for
what purpose

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in the sale of said bonds, the said "The Town Commissioners of the town of Middletown" are required and directed to advertise said bonds for sale in at least four issues of two newspapers, one published in the city of Wilmington and one in the town of Middletown, inviting bids for the same, and in which said advertisement shall be stated the denomination of said bonds, rate of interest, the place and date of opening said bids and the conditions of said bonds. The said "The Town Commissioners of the town of Middletown" shall have the power to require each bid for said bonds to be accompanied by a certified check for an amount which they may deem proper, and after the bonds are awarded the said "The Town Commissioners of the town of Middletown" shall return to the unsuccessful bidder or bidders the certified check or checks so filed by said unsuccessful bidders with their bids. The said The Town Commissioners of the town of Middletown shall have the right to reject any or all bids, but in awarding the sale of the bonds, they shall be sold to the person or persons, firm or corporation offering the most advantageous terms.

Section 3. That the said "The Town Commissioners of the town of Middletown" are authorized and required to assess and collect annually in the same manner as now provided by law for assessing and collecting other taxes for municipal purposes, a special tax sufficient to pay all the interest accruing on said bonds. The said "The Town Commissioners of the town of Middletown" are further authorized and empowered to assess and collect annually in the same manner as now provided by law for assessing and collecting other taxes for municipal purposes a further special tax for the purpose of establishing a fund adequate to the redemption at or before maturity as prescribed in this act of the bonds issued under the provisions of this act; provided, that the amount to be raised for the purpose of establishing said sinking fund for the redemption of said bonds shall not exceed the sum of five hundred dollars in any one year. The sinking fund provided by this act shall be deposited in any bank or trust company in the State of Delaware until such time as it may be needed for the redemption of any or all of said bonds.

Approved March 14, A. D. 1907.

Advertisements for bids

Conditions of bids

To whom awarded

To provide for payment of interest by taxation

Sinking Fund

Proviso: Limit of taxation for this purpose

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CHAPTER 201.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 36, Volume 12, Laws of Delaware, Entitled: "An Act to Incorporate the Town of Middletown" by changing the method of Collecting Taxes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Chap. 36, Vol.
12, amended

Section 1. That the town collector upon receipt of the duplicate for the collection of taxes shall send to each and every taxable an itemized statement of his or her taxes, which statement shall be all the notice required to be given by said collector.

Collector to
send bill to
taxables

Duty of tax-
able to pay

Section 2. That it shall be the duty of such taxable upon receipt of such statement to pay at the place designated by the said collector the taxes due from such taxable.

Collector,
when to settle

Section 3. That said collector shall make final settlement for all taxes due in any fiscal year on the third Monday in February of such fiscal year and upon failure to make such settlement the town Commissioners are authorized and directed to proceed against the said collector and his bondsman.

Approved March 14, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 202.

OF CITIES AND TOWNS.

AN ACT to Amend an Act entitled "An Act to Re-Incorporate The Town of Dover" being Chapter 746 of Volume 19 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring) as follows :

Section 1. That Chapter 746 of Volume 19 of the Laws of Delaware being an Act entitled "An Act to Reincorporate the Town of Dover" passed at Dover March 2, A. D. 1893, be and the same is hereby amended as set forth in the following sections. Chap. 746, Vol. 19, amended

Section 2. That Section 3 of the aforesaid Act be amended by striking out all of said section between the word "thereof" (being the last word in the thirtieth line of said section) and the word "His" in the thirty-third line of said section and by inserting in lieu thereof the following :

"Provided that he shall not impose any fine exceeding one hundred dollars or have jurisdiction in civil matters exceeding two hundred dollars, exclusive of costs. Any action, suit or proceeding authorized under any of the provisions of this Act or of any ordinance of said town, may be instituted in the name of The Town of Dover." Jurisdiction of Alderman

Section 3. That Section 3 of the Act aforesaid be further amended by inserting between the word "term" in the forty-first line of said section and the word "If" in the same line thereof, the following :

"In case of the temporary inability of the alderman to perform his duties by reason of sickness or absence, the said council may at any regular or special meeting, appoint any Justice of the Peace of said town to act as alderman during the inability of the regular incumbent as aforesaid and such appointee shall during such time have all the powers and duties of the regular incumbent aforesaid." Council may confer Alderman's jurisdiction on Justice of Peace, when

OF CITIES AND TOWNS.

Section 4. That the Act aforesaid be further amended by adding to section 11 thereof, the following:

Suits in name
of town

"All suits, actions and proceedings for such fines and penalties may be instituted in the name of The Town of Dover."

Section 5. That the Act aforesaid be further amended by inserting between the word "town" in the eighth line of Section 17 thereof and the word "at" in the same line, the following:

Relating to
police powers

"or in or upon any other place or property within the corporate limits of said town."

Also by inserting between the word "town" in the thirty-first line of the section last aforesaid, and the word "and" in the same line thereof, the following:

"or in or upon any other place or property within the corporate limits of said town."

Also by adding at the end of the section last aforesaid the following:

"All actions and proceedings for fines and penalties provided for in this section as also those provided for in any other section of this Act, may be in the name of The Town of Dover."

Jurisdiction of
Alderman

Section 6. That the Act aforesaid be further amended by striking out the word "one" in the eighty-first line of section 19 thereof, and inserting in lieu thereof, the word "two".

Section 7. That the Act aforesaid be further amended by striking out all of Section 26 thereof after the word "increased" in the thirty-fourth line of said section and inserting in lieu thereof the following:

Collector of
taxes

"The collector of taxes, or if there be none elected in the year, the treasurer of said town, shall have the right and authority to appoint any constable of said town or any constable of Kent County, resident in said town, as his deputy, and such deputy so appointed shall during the term of his appointment have all the powers in the collection of taxes which by this Act are vested in the collector. The aforesaid

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collector, or if none be elected for the year, then the treasurer of said town, shall be the superintendent of the light and water works of the town, and shall collect all light and water rates or rents and shall have such other powers and duties as any of the ordinances of said town now or hereafter adopted, my prescribe.

The collector of taxes or if none be elected for the year, then the treasurer of the town, shall before entering upon the duties of his office, give bond to The Town of Dover, with sufficient surety to be approved by the council of said town, in the penal sum of ten thousand dollars conditioned for the faithful performance of the duties of the office of collector of taxes and of superintendent of the light and water works of said town, and the payment to the treasurer of said town of all moneys collected by him belonging to said town and for the settlement of his accounts with the treasurer of said town, in the month of December next following his election and at such other times as the council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. In any year that the treasurer of the town shall act as collector the bond last aforesaid shall be in addition to the regular bond of the treasurer; and in such case the condition of said bond may be varied as to the officer to whom payments of money are to be made and with whom accounts are to be settled. The person acting as collector of taxes and as superintendent of the light and water works, shall receive a reasonable compensation to be determined by the town council."

Section 8. That the Act aforesaid be further amended by adding a new section after Section 37 of said Act, as follows:

"Section 38. The town council of the town of Dover is hereby authorized and empowered to borrow at such time or times as it shall determine, such sum or sums of money as said council shall deem necessary or proper for the improvement of said town or of the light and water works thereof; provided that at no time shall the aggregate of the unpaid or outstanding indebtedness, created under the provisions of

Superintendent of light and water works

Collector to bond

Condition

Warrant of Attorney

Compensation

Authorized to borrow for certain purposes

Proviso; Limit of indebtedness

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this section, be in excess of the sum of ten thousand dollars.

To issue bonds

To carry into effect the provisions of this section the said council shall have the right to issue the bond or bonds of the said The Town of Dover at such time or times in such amount or amounts, subject to the proviso last aforesaid, and in such denomination or denominations as said Council shall determine. Said bonds shall be known as "Dover Charter

Form and condition of bonds

Bonds." Their form, their date, the time of their interest payments, and of their maturity, the place of their payment, and their rate of interest not exceeding six per centum per

Executed by whom

annum, shall be as prescribed by said council. They shall be signed by the president of said council and by the treasurer of said town, sealed with the corporate seal of said town, and the faith and credit of said town shall be pledged thereby.

To provide for payment of interest by taxation

The said council shall in each year after the issuance of any bond or bonds under the provisions of this section, make provision for the payment of interest on said bonds until their maturity and shall also make provision for a sinking fund for the redemption of said bonds at their maturity. The pro-

Sinking Fund

vision for the interest aforesaid and for the sinking fund aforesaid, shall be made by taxation levied, assessed and collected as is now provided for regular town taxes, and shall be in addition to and in excess of the sum or sums which by any other law the said council is authorized to raise by taxation for other purposes.

Section 9. That the Act aforesaid be further amended by changing the numbers of those sections of said Act which as they are now printed are called "Section 38" and "Section 39", to "Section 39" and "Section 40".

Approved March 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 203.

OF CITIES AND TOWNS.

AN ACT Authorizing the Town Council of the Town of Dover to Borrow Twenty-five Thousand Dollars for Street Improvement, and to Issue Bonds therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 1. That the town council of the town of Dover be and is hereby authorized to borrow on the credit of said town a sum of money not exceeding the sum of twenty-five thousand dollars (\$25000) for the purposes of improving the streets in said town. Authorized to borrow \$25,000.00 for street improvement

Section 2. That the town council of Dover, for the purposes set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the Town of Dover, said bonds to be known as "Dover Street Improvement Bonds" to an amount not exceeding in the aggregate the sum of twenty-five thousand dollars (\$25000). To issue bonds

The said bonds shall be issued in such denomination as the said town council of Dover may deem proper, and shall be dated the first day of January or the first day of July of the year in which this Act shall go into effect as hereinafter provided, and shall be numbered consecutively beginning with number one, and shall bear interest at such rate per annum as said town council of Dover shall determine, not exceeding six per centum per annum, payable on the first days of January and July at The Farmers Bank of Dover, on the presentation of the coupons attached to such bonds representing the said semi-annual interest. Form and condition of bonds

The principal of the said bonds shall be payable at The Farmers Bank of Dover at the expiration of thirty years from the date of said bonds, but the said bonds or any of them, may be redeemed at the option of the said town council of Dover at any time after the expiration of twenty years from When payable Redemption of bonds

OF CITIES AND TOWNS.

the date of said bonds; provided however, that if the town council of Dover shall, at any time, after the expiration of twenty years from the date of said bonds, elect to redeem any of said bonds, such redemption shall be made on the first days of January or July, and in pursuance of notice signed by the president of said town council of Dover and by the treasurer thereof, published for the space of thirty days in one newspaper published in the city of Wilmington in this State, and one newspaper published in the said town of Dover. Such notice shall indicate the bonds called, and in making such calls the town council of Dover shall call the bonds according to their number beginning with the lowest number, and the interest on any of the said bonds shall cease from the date named in any of said calls for redemption.

Notice of redemption

Section 3. That the town council of Dover shall direct and effect the preparation and printing and sale of said bonds authorized by this Act, at such time or times and on such terms as the said town council of Dover may deem expedient, but all moneys, the proceeds of such sales, shall be applied to carrying into effect the provisions of this Act.

Town to prepare and sell bonds

Section 4. That the form of said bonds with the coupons thereto attached, shall be prescribed by the said town council of Dover, and the said bonds shall be signed by the president of the said town council of Dover and by the treasurer thereof, and sealed with the corporate seal of said corporation, and shall be exempt from State County and municipal taxation.

Form of bonds

Exempt from taxation

As the said bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said town council of Dover shall direct.

Section 5. That the said town council of Dover is hereby authorized and required to levy and raise by taxation in each year a sum of money sufficient to pay all interest accruing on said bonds or any of them, whilst any of said bonds shall remain unpaid; and the said town council of Dover is further authorized and empowered to levy and raise by taxation from time to time such sum or sums as said council shall deem proper to establish a sinking fund adequate for the redemption of said bonds at or before the maturity of all the bonds which may be issued under the provisions of this Act. The

To provide for interest by taxation

Sinking Fund

OF CITIES AND TOWNS.

taxes for the said interest and for the said sinking fund shall be levied and collected as other taxes in said town are, and shall be assessed on the head and on property, and shall be in excess of, and in addition to the sum or amount which the said council is authorized by any other law to raise by taxation.

The sinking fund provided for by this Act shall be deposited in The Farmers Bank of Dover, and shall not be available for any other purpose; but if the said town council shall elect to invest said fund, or any part thereof, in some safe security or securities until such times as it may be needed for the redemption of the bonds authorized by this Act, or any of them, said town council is hereby authorized to do so by a three fourths vote of the members of said council.

Investment of Sinking Fund

The treasurer of the town may, if the council deem proper, be required to give additional bond with sufficient surety for such sum as said town council shall determine and approve.

Treasurer to give additional bond

Section 6. That before this Act shall go into effect it shall be submitted to a vote of the taxables of the said town of Dover. The said vote shall be by ballot, upon which shall be printed or written either the words "For Street Improvement" or the words "Against Street Improvement". A majority of the ballots cast legally at said election shall determine the question.

Election to approve issue

The said town council of the said town of Dover is hereby authorized to call at such time as they deem proper a special election for that purpose.

In case this Act shall not be approved by a majority of the votes cast at such special election, the said town council shall, upon the application of twenty taxables of the said town, call another election provided three months shall have elapsed since any preceding election for the same purpose was held, and so on from time to time other elections shall be called and held as the said town council may deem proper.

Second election for this purpose

At such election every person having a right to vote at the regular town election then next preceding, and every female resident seized of an estate of free-hold situated in said town,

Qualification of electors

OF CITIES AND TOWNS.

shall be deemed a qualified elector. All female residents seized as aforesaid may vote at such election either in person or by proxy.

Notice of election

Notice of any such election shall be given by the Clerk of said town council of the town of Dover, by public notices, posted in at least ten public places in said town of Dover, at least ten days prior to the time of holding any such election.

Procedure of election

The place of voting at such election, the conduct of such election, the counting of ballots, the certifying of results and the like, shall be as the same now are, or hereafter may be provided by law for the regular town election of the said town of Dover.

Faith of town pledged

Section 7. The faith of the town of Dover is hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

Approved March 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 204.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act authorizing the Town Council of the Town of Dover to fund its indebtedness incurred in the enlargement and improvement of its Light and Water Plant by issuing bonds for Twelve Thousand Dollars" being Chapter 177 of Volume 23 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That the Act entitled "An Act Authorizing the Town Council of the Town of Dover to Fund its Indebtedness Incurred in the Enlargement and Improvement of its Light and Water Plant by issuing Bonds for Twelve Thousand Dollars" approved March 20, A. D. 1905, being Chapter 177 of Volume 23 of the Laws of Delaware, be and the same is hereby amended by striking out all of Section 3 and all of Section 4 thereof and by inserting in lieu thereof the following:

"Section 3. The denomination of said bonds shall be as determined by the said council and shall be numbered consecutively beginning with number one and shall bear interest at the rate of four per centum per annum, payable on the first days of January and July in each and every year, at the Farmers' Bank of the State of Delaware, at Dover, on the presentation of the coupons attached to such bonds representing said semi-annual interest.

Section 4. Said bonds shall bear date on the first day of January or the first day of July in the year in which the same shall be issued and the principal thereof shall be payable at the Farmers' Bank of the State of Delaware at Dover, at the expiration of twenty years from their date."

Section 2. This Act shall be deemed and taken to be a public Act.

Approved March 14, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 205.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 746, Volume 19, Laws of Delaware, entitled "An Act to re-incorporate the Town of Dover," passed March 2, 1893, by increasing the amount of appropriation by the Levy Court of Kent County for the repair of roads and streets in said County.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of all the members elected to each House concurring therein):

Chap. 746, Vol.
19, amended

Amount pay-
able by Levy
Court

Section 1. That Chapter 746, Volume 19, Laws of Delaware, entitled "An Act to re-incorporate the town of Dover," be and the same is hereby amended by striking out the words "five hundred" in the twenty-first line of Section 6 of said Chapter, and inserting in lieu thereof the words "eight hundred".

Approved March 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 206.

OF CITIES AND TOWNS.

AN ACT to Renew and Reenact an Act entitled an Act to Incorporate the Town of Magnolia, being Chapter 568, Volume 17 of the Laws of Delaware and all Acts amendatory thereof and supplementary thereto.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein):

Section 1. That an Act entitled An Act To Incorporate The Town Of Magnolia, it being Chapter 568, Vol. 17 of the laws of Delaware and all Acts Amendatory thereof and Supplementary thereto be and the same are hereby revived, renewed, and reenacted and all Acts or things done by the Council or other officers of the said town of Magnolia when within the provisions of said Act and the amendments thereto and supplements thereof be and the same are hereby made lawful.

Chap. 568, Vol. 17, reenacted

Reincorporation of Magnolia

Section 2. That the councilmen now acting shall be and remain the councilmen for said town until next election or for the terms for which they were elected and then the election shall be held in the same manner and under the same provisions as are prescribed by this Act or the amendments thereto and supplements thereof.

Council to continue for term elected

Approved March 14, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 207.

OF CITIES AND TOWNS.

AN ACT to Incorporate the Town of Bowers.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Incorporation,
name, etc.

Section 1. That the citizens of the Town of Bowers shall be and they are hereby created a body politic and corporate in law and in equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State and elsewhere, by the corporate name of the "Town of Bowers," and shall have a corporate seal, with power to alter the same as they may deem expedient and with power to purchase, hold, receive and enjoy any lands and tenements or personal property, and to alien, grant, sell and dispose of the same in such manner as may be necessary.

Boundaries

Section 2. The boundaries of the said Town of Bowers shall be as follows:—Beginning at the Mouth of Rowland's Ditch on the north bank of the Murderkill River, thence in a westerly course to the Government Light Pole situated on or near the Public Road leading from Bowers to Frederica, and thence from the said Government Light Pole in a northerly direction across the lands of Dr. T. D. Hubbard, and Mrs. Etta Hall Lister to a line ditch between the lands of Mrs. Etta Hall Lister and John B. Lindale, a distance of two hundred yards from the western bank of the St. Jones River, thence in an easterly direction with said ditch to the said River, thence with said River down to its mouth, and thence in a southerly direction along the shore of the Delaware Bay to the Mouth of the Murderkill River, thence in a south westerly course up the Murderkill River to the said mouth of Rowland's Ditch, the place of beginning.

OF CITIES AND TOWNS.

And the Commissioners hereinafter provided for may, at any time, have the same surveyed, and a plot thereof made, and may have said plot recorded in the office of the Recorder in and for Kent County, and being so recorded, it or a duly certified copy thereof shall be evidence of what is therein properly set forth.

The said Town Commissioners may also have the streets, lanes and alleys surveyed and designated upon said plot. The streets as now known and established are as follows: The Public Road leading from Bowers to Frederica and within the above limits shall be called Main Street, and is not less than thirty feet wide; the Street leading from Williams store to Murderkill Creek shall be called Hubbard Avenue, and is not less than thirty feet wide; the Street leading from Main Street to St. Jones Creek shall be called Flach Avenue, and is not less than thirty feet wide; the Street beginning at Main Street near the Methodist Episcopal Church and running in a north westerly direction shall be called Church Street, and is not less than twenty feet wide; the Street running from Hubbard Avenue in a south westerly direction to Rowland's Ditch shall be called Canal Street, and is not less than twenty feet wide; the Street running along Murderkill Creek shall be called Murderkill Avenue, and is not less than twenty feet wide.

Section 3. Alexander Minner, William M. Short, Enos R. Williams, Jos. H. Thompson and William King, shall be the commissioners for the said Town of Bowers until the first Monday in March in the year of our Lord one thousand nine hundred and eight, and upon the said first Monday in March, and annually thereafter, from two till four o'clock in the afternoon, a town election shall be held by ballot for the purpose of electing five Commissioners and an Assessor. At the said Election to be held on the first Monday in March, A. D. 1908 aforesaid, three of the Commissioners to be elected shall serve for the term of one year, or until their successors shall be elected, and two of the Commissioners to be elected shall serve for the term of two years, or until their successors shall be elected, and at each subsequent annual election the successors of the Commissioners whose term shall have expired shall be chosen to serve for the term

OF CITIES AND TOWNS.

- Qualifications of electors** of two years, or until their successors shall be elected. At the said election all male citizens of twenty-one years of age, who shall have paid their town tax last assessed against them, or if they shall have become a resident in said town since the last town assessment was made and thirty days previous to the aforesaid election, and shall have paid their county and road taxes for the year current or next preceding, or if they shall have gained their majority since the last assessment was made, they shall have the right to vote at said election. The election shall be held by the Alderman of the said town and two of the Commissioners, who shall be chosen at the last stated meeting of the said Commissioners previous to the election. In the event of a tie vote the Alderman shall give the casting vote to decide the election, and the persons having the highest number of votes shall be elected, and the Commissioners chosen to hold the election shall be duly sworn to discharge their duties with fidelity and impartiality, and the Alderman or any Justice of the Peace shall administer said oath or any other oath required by the provisions of this Act.
- Election. by whom held**
- Tie vote**
- Procedure of election** The Alderman shall receive the ballots and deposit them in a box to be prepared for that purpose and the assisting Commissioners shall each keep a list of the voters voting. When the election shall be closed the Alderman or one of his assistants, shall draw said ballots out of the box open and read the same and pass same over to one of the said assistants for his inspection while the third election officer shall tally the votes. After the result shall have been ascertained the Commissioners and Alderman holding the election shall make out certificates and deliver one to each person elected.
- Certificates of election**
- Alderman absent, who to hold election** If at any election the Alderman, or any of the persons whose duty it is to hold said election should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the Alderman or absent persons. A minute of each election containing the names of the Commissioners elect shall be entered immediately after said election in a book provided for the purpose and subscribed by the person holding said election. Said book shall be preserved by the Board of Commissioners and be evidence. If any vacancy
- Minute of election made on record**

OF CITIES AND TOWNS.

shall occur in said Board by death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining Commissioners shall have power to fill such vacancy or vacancies for the residue of the term for which the person or persons whose vacancy or vacancies is or are to be supplied, was or were elected.

Vacancy, how filled

Section 4. That in each and every year there shall be four stated meetings of the Commissioners of the Town of Bowers, as follows: On the first Monday of each of the months of March, June, September and December, at which meetings the said Commissioners may pass all ordinances that may be necessary for the good government of the Town of Bowers or the improvement of the streets, pavings or sidewalks, and the proper lighting of the streets, and the planting and protection of ornamental trees, and for all other matters relating to the Town of Bowers that may be provided for by any of the provisions of this Act. The said Commissioners may pass ordinances imposing fines, penalties and forfeitures, and provide for their collection, and generally they shall have all the powers which by any law of this State are conferred on the Commissioners of the Town of Dover.

Stated meetings

Ordinances

The Commissioners or any three of them, shall also have power to call special meetings of the Board whenever they deem such meetings necessary, and at all such meetings they shall have the right to transact any business that they have authority to transact at regular meetings, and the Commissioners shall receive for their services no compensation.

Special meetings

Section 5. At the first stated meeting of the Commissioners in each and every year one of the said Commissioners, shall be chosen President of the Board of Commissioners, and the President shall preside at all the meetings of the Commissioners, and shall have the general supervision of all the streets, lanes and alleys of said Town, and of all the persons that may be employed by the Commissioners, and shall receive complaints of nuisances and any other complaints of the citizens of the Town of Bowers of the violations of the ordinances of said Town, and shall present the same to the Commissioners at their next meeting for their action; and in all cases where immediate action is required the President shall cause the same to be proceeded on by the Alderman.

President

Duties and powers

OF CITIES AND TOWNS.

He shall sign all warrants for the payment of money, and shall perform such other duties as may be imposed by any of the ordinances of the said town.

May widen and
open streets

Notice to
property
owner, service
of

Appeal

Freeholders

Section 6. The Town Commissioners shall have power to widen, straighten and extend the streets now existing, and also to lay out and open new ones, and for that purpose to purchase or condemn the appropriate land. Whenever the Town Commissioners shall have determined to locate and lay out or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey of said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run of their determination to open or widen the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within said Town to notify the holder or tenant of said real estate, but if there be no holder or tenant resident within said Town the said notice shall be affixed to the most conspicuous part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the Town Commissioners, as aforesaid, he or she may within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the President of said Commissioners, or the person performing the duties of the President of the Town Commissioners for the time being. In order to prosecute said appeal such owner or owners shall, within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days' notice to the said President of the Town Commissioners or the person performing the duties of the President of the Commissioners for the time being, make written application to the Associate Judge of the Superior Court of this State, resident in Kent County, for the appointment of a commission to hear and determine the matter of damages or compensation, and thereupon the said Associate Judge shall issue a commission under his hand directed to five freeholders of the said County, three of whom shall be residents of said Town of Bowers; and two of whom shall be non-residents of said Town, commanding them to assess the damages which the owner of the

OF CITIES AND TOWNS.

real estate through or over whose lands said streets, lane or alley shall pass, who shall have notified the said Town Commissioners of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said Associate Judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they or a majority of them shall assess the damages as aforesaid, and shall make return in writing of their proceedings in the premises to the said Associate Judge, who shall deliver said return to the said Town Commissioners which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Commissioners may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the Town during said period of one month, or are minors, then the same may be deposited to his or her credit at the Farmers' Bank of the State of Delaware at Dover within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Associate Judge, as aforesaid, if the damages shall be increased, the costs of appeal shall be paid by the Treasurer of the Town out of any money in the hands belonging to the Town, but if said damages shall not be increased the costs of appeal shall be paid by the party appealing. The fees of the freeholders shall be one dollar a day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained the Town Commissioners shall have the option to pay the damages assessed within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Section 7. That the Town Commissioners at their first stated meeting, or as soon thereafter as convenient, and annually thereafter, shall elect by ballot some suitable and competent person to be Alderman of the Town of Bowers, who may or may not be a Justice of the Peace, resident of said Town, to serve for the period of one year, or until his suc-

Duties of freeholders

Return of proceedings

Return, how disposed of

Vacancy, how filled

Payment of damages

Costs of appeal, by whom paid

Fees of Freeholders

Alderman

Election and term of

OF CITIES AND TOWNS.

To be sworn cessor shall be duly elected, subject, however, to be removed from office at any time by a vote of three-fifths of the Town Commissioners of the Town of Bowers. Before entering upon the duties of his office the Alderman shall be sworn or affirmed by the President of the Board of Town Commissioners to perform the duties of his office faithfully and impartially. The said Commissioners shall provide the Alderman with a suitable docket and the Clerk and Treasurer with suitable books which shall belong to the Town and the said Alderman and Clerk and Treasurer shall surrender them in good condition, together with all papers belonging to their respective offices, to their successors, at the expiration of their terms.

Town records

Town Constables

Section 8. That the Commissioners of said Town may appoint such number of Town Constables as shall be deemed necessary, who shall constitute the Town Police. The Commissioners shall also have power and authority to remove any of the constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointment.

**Town Officials
peace officers**

Section 9. That it shall be the duty of the Alderman and of the Town Constable or Constables to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares, alleys or sidewalks, and for this purpose it shall be the duty of the Town Constable or Constables to seize and arrest any such person or persons so offending and carry him or them, as the case may be, before the Alderman of said town, whose duty it shall be to hear and determine the matters, and, upon conviction before him, the Alderman shall cause any person so convicted to pay a fine of not more than ten dollars, and may commit the person or persons, as aforesaid, to prison for a period not exceeding ten days, or until said fine and costs shall be paid.

**Alderman to
issue warrant
on complaint**

Section 10. It shall be the duty of the Alderman, upon complaint made before him of any riotous, turbulent or noisy assemblage or gathering, as aforesaid, to issue his warrant to any constable of the said Town of Bowers commanding him

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to arrest and bring before him for trial any person or persons so offending, and the person or persons so arrested shall be tried and punished in the same manner as is set forth in the preceding section.

Section 11. That it shall be the duty of the town constable or constables to arrest any drunken or disorderly persons they may see upon any of the streets of said town, and to take such person or persons so arrested before the Alderman, who shall proceed forthwith to hear and determine the case, and, upon conviction before him, he shall sentence such person or persons in the same manner and to the same punishment as is provided in Section 9 of this Act for the punishment of persons brought before him. If it shall appear to the Alderman that the person or persons so arrested shall not be in a condition to be heard and tried he may commit such person or person to await a trial at a time to be fixed by him. Such time shall in no case be more than twenty-four hours from the time of commitment, unless the expiration of the said twenty-four hours would be on the Lord's day, and then not later than ten o'clock on the Monday morning following. The fee of the Alderman in any of such cases shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of one dollar, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, and he shall be entitled to the same pay for the board of the persons so committed as is allowed by the Levy Court of Kent County to the Sheriff for keeping prisoners. In cases not herein provided for the fees of the Alderman and constable shall be the same as are paid to Justices of the Peace and county constables in like cases.

Section 12. It shall be the duty of the Commissioners on the first Monday in March next, or as soon as conveniently may be thereafter, and annually thereafter, to elect by ballot a Treasurer and Clerk, who shall hold their offices until the first Monday in March next after their election, and until their successors shall be duly elected and qualified. The Treasurer and Clerk may or may not be the same person. The said Commissioners shall also have authority to elect by ballot a collector of taxes in any year they may think

Constables,
duty of to ar-
rest, etc.

Hearing may
be continued

Fees of officers

Treasurer and
Clerk

Collector of
taxes

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Treasurer to be sworn and give bond it proper to do so. The Treasurer, before entering upon the duties of his office, shall be sworn or affirmed to perform the duties of his office faithfully, honestly and diligently, and shall also, before entering upon the duties of his office, give bond to the Town of Bowers, with sufficient sureties, to be approved by the Commissioners of said town, in a sum to be fixed by the Commissioners, but in no case to exceed the sum of Five Hundred Dollars, conditioned for the faithful discharge of the duties of his office, and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which bond and condition there shall be annexed a warrant of attorney for the confession of judgment for the penalty. The said Treasurer shall pay all orders drawn on him by order of the Commissioners and signed by the President thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Commissioners annually by the first Monday in March and at such other times as the said Commissioners may require.

Conditions of bond

Warrant of Attorney

Duty of Treasurer

Clerk, duty of It shall be the duty of the Clerk of said town to keep a true and faithful record of all the proceedings of said town at all meetings held by them, and to do and perform all other matters and things that may be prescribed by any section of this Act or any ordinance enacted by the Commissioners. The Treasurer, Clerk and Assessor shall receive a reasonable compensation for their services, to be determined by the Commissioners of said Town.

Assessor, election and duty of Section 13. It shall be the duty of the Commissioners of said Town, at their first meeting in March next, or as soon thereafter as may be convenient, to choose by ballot an Assessor to serve until the first Monday in March, A. D. 1908, or until his successor shall be chosen. It shall be the duty of the Assessor within two weeks after his election to make a just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning real estate within the limits, at an amount which shall be fixed by the Commissioners at their first stated meeting, but the sum so to be fixed shall be the same for every class and description of said citizens, and

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shall not exceed the sum of One Thousand Dollars, and the said Assessor shall forthwith after making said assessment deliver to the Commissioners a duplicate containing the names of all the persons assessed, the amount of their assessment, distinguishing the assessment of the real and personal property of each. Upon the return of the assessment as aforesaid the Commissioners shall give five days' public notice that they will sit together at a certain place and on a certain day, to be fixed by them from one to four o'clock in the afternoon, to hear appeals from the said assessment, and at such time the Commissioners shall have power to add to or decrease any assessment. When the appeal day is past, the Commissioners shall without delay cause the assessment list to be transcribed and the transcript shall be delivered to the collector. All taxes shall be paid within ninety days from the appeal day to the Treasurer of said Town who shall receipt for same. At the expiration of the said ninety days the Commissioners shall cause a transcript of the assessment list, covering all unpaid taxes, to be made and delivered to the collector, who shall thereupon collect from each taxable upon this list, his proportion of the tax laid together with eight per centum thereof additional for the cost of collecting the same, and shall pay over the whole of the tax so collected to the said Treasurer by the first day of October next after the receipt of his duplicate, deducting, however, commissions and delinquencies. The Town Commissioners shall fix the amount of the commissions to be paid to the collector for collecting the taxes, and the said collector shall have the same power and authority for the collection of taxes as are now conferred or may be hereafter conferred by law on collectors of county taxes.

Section 14. That the Commissioners herein named and their successors in office shall, at their first stated meeting in each year, or as soon thereafter as may be, determine the amount of tax to be raised in said Town for that year, not exceeding One Thousand Dollars, including tax on real estate, personal property and poll tax, and excluding delinquencies and commissions for collection. The Commissioners, or a majority of them, shall have power and authority to use any and all moneys thus determined and collected for the general improvement, ornament and benefit of said town

Duplicate

Appeal

Transcript

Collectors,
duty ofFinal settle-
ment of
CollectorCollector,
power of

Taxes limited

Uses of funds
raised

OF CITIES AND TOWNS.

as they may deem advisable, and for any other purposes provided for by the Treasurer shall be on the order of the Commissioners and signed by the President and Clerk thereof.

Paving

Section 15. That the Town Commissioners shall have power to enact ordinances for the paving or improving of the sidewalks, which ordinances shall be applicable to those persons only who own property fronting upon the sidewalks, who shall bear all the expense of making the pavement or other improvements ordered in front of their respective properties. If such ordinance be not complied with within one month after notice be given the Commissioners may procure the materials and cause the necessary work to be done and collect the expense so incurred from the owner or owners of the lands adjoining such sidewalks. The Commissioners shall have power to sell any real estate or personal property for the purpose of paying the expense as aforesaid, but no sale shall be made unless thirty days' notice shall have been given by advertisement at three of the most public places in the said town, and if the proper notice shall have been given and the sale shall have been made as aforesaid, the purchaser at said sale shall take a valid and complete title to the property thus sold, subject to prior liens and incumbrances. The money realized from said sale shall be applied to paying the expenses of said sale, and of the work done and materials furnished, and if there should be any remaining the Commissioners shall cause the treasurer to pay the same to the owner or owners of the property thus sold.

Town may pave, when

Sale of property to recover expenses

Title acquired by tax sale

Surplus, how disposed of

Town to have sole supervision of streets

Levy Court to appropriate \$200.00

Section 16. That the President and Commissioners shall have the superintendence and oversight of all the roads and streets now opened or that shall hereafter be opened within the limits of said town, and no overseer of any roads or streets that may be appointed by the Levy Court of Kent County shall have any jurisdiction or oversight over any of the streets or roads in the limits of said town, and the Levy Court shall annually appropriate for the repair of said roads or streets a sum of money not less than Two Hundred Dollars, and shall make an order for the payment thereof to the Treasurer of the Town of Bowers.

Section 17. The said Town Commissioners of Bowers.

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shall have power to enact ordinances to prevent nuisances, to preserve the health of the town and to prevent the introduction of infectious or contagious diseases, and on complaint of any citizen to cause examination of any chimney, stovepipe, fixture or any other matter dangerous to the citizens of the said town, and if adjudged dangerous to require it to be repaired or removed. The Commissioners shall have power to define and remove nuisances, and to prohibit the firing of guns or pistols, the making of bonfires, the setting off of fireworks and to prevent or suppress any dangerous sport or practice, and generally they shall have all the powers necessary to preserve and maintain peace and good order in said town.

Town may pass ordinances to prevent certain nuisances, etc., and exercise general police powers.

Section 18. The Commissioners shall have power to levy a special tax to pay for a right of way, charges and costs incidental to the widening, straightening, extending and opening new streets, lanes or alleys, and, when necessary, for the repair of those streets, lanes or alleys laid out previous to the passage of this Act, which tax shall be collected as other town taxes are collected.

Authorized to levy tax to pay right of way, etc., for new streets

Approved March 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 208.

OF CITIES AND TOWNS.

AN ACT to Re-incorporate the Town of Felton.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Commis-
sioners, qualifi-
cations of

Election of

Terms of office

Qualifications
of electors

Notice of elec-
tion

Section 1. There shall be five Commissioners of the town of Felton, all of whom shall be residents therein (three of whom at least shall be freeholders in said town). The present Commissioners of the town of Felton shall hold their offices for the residue of the term for which they have been previously elected. On the first Monday in March next following the approval of this Act and on the first Monday in March annually thereafter, there shall be held an election at some suitable place in said town to be selected by the Commissioners from two until four o'clock P. M. for the purpose of choosing by ballot Commissioners for said town, and at the election to be held on the said first Monday in March following the approval of this Act, five Commissioners shall be chosen, two for one year, and three for two years; at each and every election to be held annually thereafter there shall be chosen, for the term of two years, Commissioners in the places of the Commissioners whose terms of office shall then expire, and shall likewise elect to supply vacancies of unexpired terms occasioned by death, resignation, removal beyond the town limits or otherwise. All male citizens shall vote in person and every taxable feme sole therein, being twenty-one years of age and upwards, and having paid all town taxes assessed against them are hereby privileged to vote at all town elections in person or by proxy. All elections shall be duly advertised by notices posted in five of the most public places in said town at least five days previous to the day of holding the same, stating the place, day and hour of such election, and such notices signed by any one of the

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Commissioners, or by the town Clerk by authority of said Commissioners, or any one of them, shall be sufficient.

The Commissioners, or a majority of them, shall, as soon after all elections as conveniently may be, appoint an alderman, town constable, assessor, treasurer and such other officers as they may deem necessary to serve for the term of one year each, and until their successors be duly appointed and qualified. The Commissioners, alderman, town constable, assessor and treasurer shall severally be sworn or affirmed to the faithful and impartial performance of their respective duties and undertakings according to the best of their skill and judgment.

Commissioners to choose officers

Officers to be sworn

The said Commissioners may qualify each other and the several officers appointed by them, and any and all other persons when necessary, by administering a proper oath or affirmation suited to the case. The certificates of such qualifications shall, after being duly administered as aforesaid, be recorded in a town book procured by the Commissioners for that and other purposes, stating the names, time and for what purposes such persons are so qualified, and shall be subscribed by the person administering such oath or affirmation, and the same shall be evidence in all cases.

Oath, by whom administered

And where to be recorded

The said Treasurer shall be receiver and collector of all taxes and all other moneys due or belonging to said town, and subject to be drawn upon at any time by the Commissioners or a majority of them for the uses of said town, and such orders so drawn when fully paid by the said treasurer shall be to him a sufficient voucher pro tanto for all payments so made. The said treasurer shall be required to give to the Commissioners, bond and security sufficient in amount, conditioned for the faithful performance of all and every his duties and undertakings, and the payment and delivery to his successor when duly installed and qualified, of all moneys, books, papers and other things or effects in his care and keeping, or with which he may properly be chargeable. The assessor, treasurer and town clerk shall receive a reasonable compensation for their respective services to be allowed by the Commissioners, but no allowances shall be made for personal services rendered in conducting any election.

Treasurer to be Collector of Taxes

Treasurer's bond Condition

Compensation of officers

OF CITIES AND TOWNS.

Incorporation,
name, powers,
etc.

Section 2. That the present Commissioners of the town of Felton, and such other persons as may hereafter be chosen Commissioners for said town, be and they are hereby created a body politic and corporate in law, and they and their successors shall be able to sue and be sued, plead and be impleaded in all courts of this State, by the corporate name of "The Commissioners of Felton", and may purchase, take, hold and enjoy lands and tenements in fee or for other estate, and also goods, chattels, rights and credits, and may alien, grant, sell, bargain and convey the same or any part thereof as they or a majority of them may deem proper, and may do any and all other acts which a corporation may or can lawfully do, so as fully and effectually to carry into operation and secure the aim and purposes of this Act.

Town limits

Section 3. That the bounds and limits of the town of Felton shall be and remain as follows, viz: Commencing in the direction of Frederica at a point in the centre of the Berrytown and Frederica county road, one-quarter of a mile distant from the centre of the main track of the Delaware Railroad and the Berrytown and Frederica county road, a line shall be started at right angles to the aforesaid county road, running in a direction north from the centre of said road one-quarter of a mile; thence in a direction west parallel to said county road one-half mile, and thence in a direction south at right angles with said county road one-half mile, and thence in a direction east and parallel to said county road one-half mile, and thence in a direction north to the place of beginning. The Commissioners of the said town of Felton or a majority of them may at any convenient time cause a survey and plot of the said town to be made showing the boundaries thereof, the roads, streets, avenues, ditches and waterways therein, and the widths of all the said ways named in fact from the curbing of border of the one side to the other thereof, and also the width of the several sidewalks thereof, so far as they shall deem proper, and the said plot when completed, and adopted by the Commissioners shall be recorded or otherwise folded in the proper town book, and all the said ways so marked as aforesaid shall, when so recorded or folded in said town book, be deemed and taken as the public roads, streets, avenues and ways of said town, and be thence worked, improved and controlled exclusively by said Com-

Plot, what to
show

When recorded

OF CITIES AND TOWNS.

missioners, and the said Commissioners in directing the survey and plotting the said town, may if they shall deem any of the streets, avenues or lanes and ways already opened and used unnecessary, or unreasonably burdensome and expensive, to vacate the same or any part or parts thereof, in which case the same shall not be marked and represented on said plot except by dotted lines and the word "vacated" thereon marked, on which vacated ways no part of the town moneys shall be expended for any purpose whatsoever.

May vacate streets

Section 4. That on the approval of this Act, the Levy Court of Kent County shall for the present year, 1907, and yearly thereafter, appropriate a sum of money not less than Two Hundred and Fifty Dollars, and shall make an order for the payment of the same to the Commissioners of said town to be by them expended on the roads, streets and avenues thereof, and said Commissioners shall annually account to said Levy Court for the money so appropriated in the same manner as overseers of public roads are required to account.

Levy Court to appropriate \$250.00

Section 5. That the Commissioners or a majority of them, when they shall deem necessary for public convenience, are hereby authorized and empowered to locate, lay out, open and make any new road, street, lane, avenue, sidewalk, ditch or water-drain within said town, allowing to the several owners or holders of any lands affected thereby, such just and reasonable compensation as they or a majority of them shall deem just and proper, having due regard for all benefits and injuries, public and private consequent thereupon, and any and all awards or allowances for any lands so taken or appropriated for public uses as aforesaid shall be well, duly and fully paid to the person or persons severally entitled thereto before the same or any part thereof, shall be so taken and appropriated to public uses.

Authorized to open streets, etc.

Damages

Section 6. That if any owner or holder of any lands affected by any doings or proceedings under Section 5 of this Act shall feel aggrieved or be dissatisfied therewith, he, she or they may within ten days after the awards of the Commissioners under said Section 5 appeal therefrom; and in order to prosecute such appeal shall within ten days apply to the alderman of said town or to the nearest Justice of the Peace in Kent County, who shall thereupon select and write down on

Appeal

OF CITIES AND TOWNS.

Procedure of selecting Freeholders, etc. a list the names of eleven impartial freeholders of said County, five of whom shall be residents of said town, and six of whom shall reside without the limits of said town, and thereupon give immediate notice to the Commissioners of his doings and the purposes thereof, and of the place, day and hour, not exceeding ten days from the day of such notice, when the Commissioners and the appellants or some of them, in the name and behalf of all of them, appellants and respondents shall appear before said alderman or Justice, where and when the respondents shall strike out one of the names selected by the said alderman or justice, and the appellants shall strike out one other of said names, and so on alternately until four of said names shall have been stricken out, and such striking of names shall be so confined and regulated as to leave two of the remaining names residents of said town, and three of them residing without said town limits, who shall be constituted a final "Appeal Board", with plenary power and authority to settle and determine any and all matters in controversy between the appellants and respondents. In case the said appellants or respondents or any of them shall fail, neglect or refuse to be and appear before the said alderman or justice, or appearing, fail, neglect or refuse to act in his, her or their behalf, then it shall be lawful for the said alderman or justice without further delay to name and select such person or persons as he may think proper to act for and on behalf of such defaulting person or persons in the manner aforesaid, so as to secure such "Appeal Board". Any party, appellant or respondent, or any one person of either of them, may at any time within fifteen days of the time of securing such "Appeal Board" and upon due notice to all other persons concerned in interest or duty, call out the said Appeal Board, who after being first sworn or affirmed to faithfully and impartially perform the duties required of them according to the best of their skill and judgment respectively, proceed to make due inquiry concerning all matters in controversy, and shall hear the allegations of the parties and their proofs, and after maturely deliberating thereupon, shall proceed and do and perform all and whatsoever to them or a majority of them shall seem meet and proper, and their doings shall, within twenty days of the day they are called to act, be reported to the said Commissioners in writing, giving in said report every matter

Striking names

Appeal Board

Justice, when to strike

Appeal Board, when to act

OF CITIES AND TOWNS.

and measure which they of right ought to give and render. And if need be, the said Appeal Board may call to their assistance a surveyor and cause a survey and plot of any lands affected by their doings to be made, and append such plot to their report as part thereof, and shall in such report return the damages assessed, if any, to whom, and the amount to each person. If any member of said Appeal Board shall neglect or refuse to act in any case when so chosen, in whole or in part, he shall forfeit and pay to the Commissioners for the use of the town, the sum of Five Dollars to be recovered by action before the alderman as debts of like amount are recovered before a Justice of the Peace of Kent County with costs. And if the report of said Appeal Board shall be substantially the same and the damages or awards shall be the same as the doings and damages and awards of the Commissioners under Section 5 of this Act, the costs of such appeal shall be borne by the appellants equally, otherwise by the town. If any person entitled to any damage or award under this Act be a minor, non-resident or in any way incapacitated to take the same, or refuse to take and receive the same, such damage or award may be deposited in any bank in Kent County, to the credit of such person so entitled, and such deposit shall in all cases operate as payment. The said Appeal Board and the surveyor if any, shall be paid a reasonable compensation for their services.

May cause plot to be made by surveyor

Neglect of member of Appeal Board, penalty for

Costs of appeal, how paid

Payment of damages

Section 7. That full power and authority is hereby conferred upon the town Commissioners and their successors in office, to make all needful ordinances and by-laws at the annual or any of the monthly meetings to be held in said town, requisite to secure good government to regulate said town and the conduct of all persons therein, to define nuisances, and what are obstructions to the roads, streets, avenues, passes, sidewalks, ditches, or water drains therein, and to regulate the travel upon said ways, roads and avenues, and to provide against improper gatherings and assemblages of persons to the fear and terror of the citizens, and of all noisy and turbulent gatherings whatsoever, and for the suppression, discontinuance or removal of all dangerous chimneys or stovepipes or other dangerous and unsightly objects, sports or practices calculated to create fear and dread in near neighbors or others and to fix adequate fines and forfeitures

Ordinances may be enacted for certain purposes

OF CITIES AND TOWNS.

for any violation of any such ordinances or by-laws made and established by the Commissioners, and to provide any and all proper remedies, means and processes requisite to carry into effect all and every the aims, objects and purposes of this Act.

Annual settle-
ment of ac-
counts

Minimum sum
to be raised by
taxation

Report to an-
nual meeting,
what to contain

Monthly meet-
ing

Annual meet-
ing to be
advertised

Section 8. That there shall be held in such place within said town, as the Commissioners shall select, on the first Saturday next after every election, a town meeting, organized and conducted by said Commissioners, at which all taxpayers may attend, for the purpose of settlement of all accounts of the then past year, and for the determining by the Commissioners of the amount of money to be raised by tax for the ensuing year, which shall not be less than Three Hundred Dollars, but in case there is need for more revenue for any special public improvement (such as for electric lighting or a sewer system) then the said Commissioners may raise by tax a sum not exceeding Six Hundred dollars for each year (exclusive of dog taxes). At said annual meeting there shall be produced a true and just report of the doings of the past year showing the amount of money received from all sources, the names and amount of delinquent taxables, also the expenditures, for what purpose and to whom made, also the unexpended residue, the amount owing, to whom and for what purpose, and such other information as may properly be called for at said meeting, so as to set before the taxables present a just and true state and condition of the finances and condition of said town. In addition to said annual meeting there shall be held on the first Monday in each and every month yearly a monthly meeting of the Commissioners for the purpose of hearing, determining or acting upon any matter or business relating to or concerning the said town, which may be properly and lawfully there entertained and acted upon. The said annual meeting shall be duly advertised by the town clerk or Commissioners by notices posted in three of the most public places in said town at least three days before the day of such meeting, stating the day, hour and place of holding the same. At all annual meetings any one member of the Commissioners may assume the chair and call the town clerk, and if none, then any person present whom he may name to act pro tem as Secretary at such meeting when the same shall be thereby organized. No fees or charges shall be allowed for holding any of the said town meetings.

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Section 9. That the assessor shall immediately after the ^{Assessment} annual meeting make a just, true and impartial assessment and valuation of all the real estate in the town limits, and of all the male citizens therein of the age of twenty-one years and upwards, and all cows and horses kept in said town limits, and shall also include in said assessment the names of the owners or keepers of all dogs and bitches therein, and how many are owned or kept by each person, and in making said assessment shall, as to the assessed valuation of persons, and of cows and horses, be governed and regulated by the assessment and valuations made on the assessment list of the hundred whereon such person or persons, and cows and horses were then last assessed and valued. He shall complete and ^{Assessment, when completed} deliver said assessment to the Commissioners within ten days of said annual meeting for their examination, and if need be shall by them, with the assistance of said assessor, be corrected and adjusted according to the right of the matter, whereupon a true copy verbatim of said assessment so ^{Duplicate} adjusted and corrected shall be made out and hung in some convenient place in said town for public inspection, of which due notice shall be given by the said Commissioners or the said assessor, posted in five of the most public places in said town at least five days previous to the day on which they and the assessor shall sit together to hear and determine ^{Appeals} appeals thereto. The appeal meeting shall be kept open from two until four o'clock of the afternoon of said day, which shall also be stated in said notices, and shall be held at such place as named in said notices, and as soon after the hanging up of said list as conveniently may be. At said appeal meeting the Commissioners shall hear and determine concerning the appeals and make the changes or alterations in all appeal cases as to them shall seem just and proper, but no other changes shall be made in said assessment except if glaring and gross mistakes or omissions shall appear, they may alter and amend so as to secure, according to the best of their skill and judgment, a fair and impartial assessment throughout. All such corrections, additions and alterations, if any, shall be made on the day and within the hours of appeals as advertised and not thereafter. Immediately after every appeal meeting the original assessment list shall be corrected and made to agree verbatim with the duplicate so corrected and adjusted and re-

OF CITIES AND TOWNS.

Transcript
with warrant

tained by the Commissioners or the assessor for future reference if need be, and as a precaution against the possible loss or destruction of the duplicate and warrant delivered to the treasurer. The said duplicate shall, as soon as possible or practicable after appeal meeting, be delivered to the town treasurer with the Commissioner's warrant thereon written, commanding him to receive and collect from the several persons therein named a rate in said warrant named on every hundred dollars and a fractional part thereof, whereof they shall stand severally assessed, and said warrant shall also command the said treasurer to collect from the owner or holders of dogs within the corporate limits of the town of Felton a tax of fifty cents on every male dog and a tax of one dollar on every female dog over two months old. Every dog, male or female, upon which the owner shall refuse to pay the tax shall be surrendered to the town Commissioners, who shall have power to dispose of the same. The said treasurer immediately after receiving said duplicate assessment with the Commissioners' warrant thereon written, shall proceed to collect from the persons therein named and as by said warrant commanded, and for that purpose all the remedies, powers, means and processes as by law conferred upon the collectors of school taxes, and of county, road and poor tax, are hereby conferred upon said treasurer, who is hereby constituted also the collector of said town.

Dog tax

Treasurer to
proceed im-
mediately to
collect

Powers of
Treasurer

Vacancy, how
filled

Section 10. That if a vacancy shall happen among the Commissioners such vacancy may be supplied by appointment at any of the regular meetings, yearly or monthly, by the remaining Commissioners or Commissioner, and if there be none, to make such appointment, then the persons present being taxables may appoint suitable persons, possessing the requisite qualifications to serve until the next election; and if the town treasurer should die or become incapacitated to perform the duties of his office before the end of his term, then the person or persons named in his surety bond shall fill the office of treasurer and collector, and exercise the powers conferred on said treasurer until a successor be duly appointed and qualified.

Treasurer, who
to succeed

Paving, curb-
ing, etc.

Section 11. That if any of the Commissioners shall at any time think proper they may order and direct any owner or

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holder of lands along which any sidewalk is now made or hereafter is made, to build, or repair and alter or reconstruct the same, with pavements thereon, and the said curbing thereto and in making such order or giving such directions shall specify the width of such sidewalk, the width of the pavement to be laid thereon, and of the general height and character of curbing next to the street for the support of such sidewalk, and shall also state in such order or directions the kind and character of the materials to be used in making the same, and that the said sidewalks and pavements and curbs shall be made to conform with the general grade of the street or sidewalk and pavement of which the same is a part, and shall also state the time within which all such work shall be completed. And if any person shall fail, neglect or refuse to perform any such work, when and as commanded, then and in such event the town Commissioners or a majority of them, are hereby authorized and empowered to do said work and repair and procure the needful materials therefor, and when completed recover all the costs and charges incurred, including any skillful superintendent's charges for his services in managing and directing the same by action in the name of "The Commissioners of Felton" before the alderman of said town, and if none at the time then before any Justice of the Peace in said County or any Court of this State, as circumstances of jurisdiction may require.

Town may
pave when
owner refuses

Expenses, how
recovered

Section 12. That fines and penalties authorized by this Act for infraction of the same or of any ordinance or by law hereunder shall in no case exceed the sum of ten dollars, recoverable before the alderman of said town, and if none at the time, then before any Justice of the Peace in Kent County, with costs, and on a failure to pay which may be committed by said alderman or justice to the town lockup if any, otherwise to the common jail of Kent County for a term not exceeding ten days.

Fines, how
recoverable

Section 13. That the alderman of said town shall have within town limits all the powers, authority, jurisdiction and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses therein, to arrest, hold to bail or fine and imprison all offenders and of and over all fines, forfeitures and penalties mentioned and prescribed by this

Alderman,
jurisdiction of

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Act or by ordinances established by the Commissioners, and over all neglects, omissions or defaults of any of the officers of said town. The fees of the said alderman shall be the same as are by law allowed to Justices of the Peace for similar purposes. The alderman shall keep a book of record, called "Alderman's Docket of Felton", procured for him by the Commissioners in which all his official acts shall be entered, and he shall deliver all books, papers and effects belonging to his office to his successor in office when appointed and qualified.

Alderman,
fees of

Alderman's
Record

Town Con-
stable, powers
and duties of

Section 14. That the town constable appointed by the Commissioners shall have and exercise all the powers and authority within the limits of said town as constables of the State of Delaware in and for Kent County have, and shall have and receive for his fees and emoluments the same as those of constables of Kent County for like services. Provided that he shall not serve any civil process except to carry out the provisions of this Act. It shall be his duty to execute the office of town constable, as fully and effectually and to all intents as largely, in all cases within the town or arising under this Act, as constables of the State of Delaware in and for Kent County may or can do.

Chap. 479, Vol.
13, repealed

Saving present
ordinances

Acts of town
officials ratified

Section 15. That the Act entitled "An Act to incorporate the town of Felton", passed at Dover April 8, 1869, and the several Acts or parts of Acts therein and thereby repealed, and all Acts or parts of Acts inconsistent with or supplied by this Act are hereby repealed and made null and void; saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances and by-laws of "The Commissioners of Felton", heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect, until repealed, altered or amended, by the Commissioners of said town. That all the Acts and doings of the Commissioners of the said town of Felton or of any officer of said town, lawfully done or performed under the provisions of any law of this State or of any ordinance or by law of the Commissioners of said town, are hereby ratified and confirmed.

Debts, fines,
etc., to and
from town un-
affected

That all debts, fines or penalties and forfeitures due to the said "The Commissioners of Felton" and all debts due from

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the said "The Commissioners of Felton" to any person or persons, whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the treasurer for the collection and enforcement of all taxes in said town heretofore assessed and uncollected, shall continue in full force and effect, until all of said taxes shall be fully collected and paid; that the official bond of said Treasurer shall be unaffected and unimpaired by this repeal and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine or forfeiture or debt due to said town under any law, ordinance or by-law shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Taxes un-
affected

Official bonds
unaffected

Proceedings
begun un-
affected

Section 16. That this Act shall be deemed and taken to be a public Act, and shall be printed among the laws of this State.

Approved March 19, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 209.

OF CITIES AND TOWNS.

AN ACT to Reincorporate The Town of Harrington.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Limits of town

Section 1. That the limits of the Town of Harrington shall start at a point in the center of the Northbound track of the Delaware Railroad, opposite the Southwest corner of the Tank House or Water Tank a short distance North of the Railroad Depot at the said Town, and shall not extend from said point in a Northerly direction up said track more than twenty-six hundred and forty feet, and in a Southerly, direction down said track more than twenty-six hundred and forty feet, and shall not extend in an Easterly direction perpendicular to said Railroad track more than twenty-six hundred and forty feet and in a Westerly direction perpendicular to said track more than twenty-six hundred and forty feet, thereby forming a square of one mile; and provided that no unimproved lots within the limits aforesaid which contain over six acres of land shall be taxed for town purposes.

Certain lands exempt from taxation

Commissioners, qualifications of

Officers, qualifications of

Special election, when held

Notice of election

Section 2. That the government of the Town of Harrington shall be vested in five Commissioners, all of whom shall be residents of the said town, and three of whom shall be seized of estates of freehold within the limits of the same. There shall also be an Alderman, an Assessor, a Collector and a Treasurer, all of whom shall also be residents of said town and also seized of estates of freehold as aforesaid. The said five Commissioners and other officers of the town of Harrington above provided for, shall be elected on the first Saturday in March, A. D. 1907, in the same manner as is provided by Chapter 480 of Volume 13 of the Laws of Delaware by an Act entitled "An Act to incorporate the Town of Harrington," and upon the notice therein provided for and given by the Commissioners now holding office under

OF CITIES AND TOWNS.

said Act. That said five Commissioners and other officers shall hold office until the second Tuesday in January, A. D. 1908, or until their successors shall have been duly elected and qualified.

Section 3. That on the second Tuesday in January A. D. 1908, an election for the purpose of electing five Commissioners, an Alderman, an Assessor, a Collector and Treasurer shall be held in the Town of Harrington aforesaid, and on the said second Tuesday in January of every year thereafter, from one o'clock until four o'clock in the afternoon at such place as shall be determined and fixed by the Commissioners then in office; due notice in writing or printing whereof having been first given by the said Commissioners at least five days before said subsequent election. That the said Commissioners and other officers so elected shall hold their respective offices for the period of one year or until their successors shall have been duly elected and qualified. The said election shall be held by two persons chosen by the voters present, who shall receive the ballots, ascertain the result and certify the same in the town record; and at such election every male taxable of said town above the age of twenty-one years and every woman of said town who shall be above said age of twenty-one years and be seized of a freehold estate within the limits of the said town and who shall have paid a town tax assessed within twelve months prior to the day of holding said election shall be entitled to vote, but no one shall be permitted to vote who has been declared a delinquent for the year next preceding said election. Any woman, may, if she prefer, vote by proxy duly signed and witnessed. The two citizens aforesaid shall be judges of said election and shall decide on the legality of the votes offered. And the persons having the highest number of votes shall be declared duly elected to the respective offices for which they have been voted.

That the said town of Harrington shall be divided into five districts, and that each of said five Commissioners shall at the time of his election and qualification be a resident of one of said districts, and that no two Commissioners shall come from one of the same.

Town election.
when held

Notice of election

Term of office

Election, by
whom held

Qualification
of electors

Judges of election

Town divided
into 5 districts

Commissioner
to be resident
of district

OF CITIES AND TOWNS.

Bounds of
districts

That said districts shall be as follows :

First. All of that part of the said town of Harrington lying East of the Delaware Railroad.

Second. All of that part of the said town of Harrington lying West of Dorman and Commerce, or Main Streets, of said town.

Third. All of that part of the said town of Harrington lying North of Liberty Street and Bounded on the West by the main County road leading to Felton and on the East by the said Delaware Railroad.

Fourth. All of that part of the said town of Harrington lying between Liberty Street on the North and Clark Street on the South, the Eastern boundary line running down the Delaware Railroad and out Commerce Street to its intersection with Dorman Street.

Fifth. All of that part of the said town of Harrington South of Newman's Hotel between the Delaware Railroad and Main and Commerce Streets.

That no Commissioner who shall remove from the district from which he was elected to any other part of said town, shall lose his office by virtue of such removal.

Incorporation

Name

Powers

Section 4. That the Commissioners to be elected under the provisions of this Act and their successors in office shall be and they are hereby created a body politic and corporate in law, and said Commissioners of the town of Harrington and their successors in office, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of judicature whatsoever in this State by the corporate name of "The Commissioners of the Town of Harrington," and may have and use a common seal with such device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient; to purchase, take, hold, receive, and enjoy any messuages, lands, tenements or hereditaments in fee simple, or otherwise, and also goods and chattels, rights, and credits, and to alien grant, demise, sell and dispose of the same in such manner and form as they may.

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deem expedient; they shall also have full power and authority to contract for the lighting of the streets of the town of Harrington with gas or otherwise.

Section 5. That the person elected Alderman as afore-^{Alderman, powers and duties of} said of said town shall have all the power of a Justice of the Peace, within the limits of said town, so far as the jurisdiction and cognizance of all breaches of the peace and other offenses within said town, to arrest and hold to bail or fine and imprison such offenders and of all fines and forfeitures and penalties which may be prescribed by any law of the State or by ordinance of the Commissioners of the town of Harrington, regularly passed and established for the government of said town, and of all neglects, omissions or defaults of the town police, collector and treasurer, or assessor or any other person whose duty it may be to collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof. Provided, that he shall not impose any fine exceeding twenty-five dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said Alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Alderman to keep a book of record or docket to be called the Alderman's Docket of the Town^{Alderman's Docket} of Harrington, to be provided by the Commissioners aforesaid, in which all his official acts shall be entered, and he shall upon the expiration of his term of office deliver over to his successor all the books, papers, &c. pertaining to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay for the use of said town the sum of Twenty Dollars to be recovered before the succeeding Alderman or any Justice of the Peace residing in said town.

Section 6. That the said five Commissioners, the Alderman, Assessor, Collector and Treasurer, shall, before the^{Officers to be sworn} President of the retiring Board of Commissioners be duly qualified by oath or affirmation to perform the duties of their offices respectively, to the best of their knowledge respec-

OF CITIES AND TOWNS.

President and
Secretary

tively, and without favor or partiality; and after being qualified, the said Commissioners at their first meeting after such election, shall choose a President and Secretary from their number, who shall continue during their term of office, unless removed by the vote of the majority of the Commissioners; and if by death or otherwise the place of the President or Secretary shall become vacant, the Commissioners, or a majority of them, at their next meeting thereafter, are hereby authorized to fill said vacancy out of their number as aforesaid. And if a vacancy should occur in the office of the Commissioners, Alderman, Assessor, Collector or Treasurer, during the said term of office, by death or otherwise, the said Commissioners, or a majority of them, for the time being, at their next meeting thereafter, are hereby authorized to fill such vacancy by appointing a Commissioner Alderman, Assessor, Collector or Treasurer, or either, as the case may be, to fill the unexpired term of said office or offices. All the Commissioners shall act, but the decision of a majority shall govern. And if the said Commissioners shall be unable by reason of a tie vote to fill such vacancy within the period of thirty days after the same shall have occurred, the deciding vote shall be cast by the Alderman. The officer so appointed or elected after being qualified, or giving bond as required by this Act, shall have all power in like manner and be subject to all the penalties the same as though duly elected and regularly appointed to said office or offices.

Vacancies,
how filled

Tie vote

President,
duty of

Secretary,
duty of

Compensation
of Secretary

It shall be the duty of the President chosen as aforesaid to preside at all meetings of said Commissioners, and in case of his or the Secretary's absence, an officer pro tem shall be appointed to act in his or their place. It shall be the duty of the Secretary to record all the proceedings of the said Commissioners and keep a correct Journal of the same in a book or books to be provided for that purpose, and also the papers relative to said town, all of which are to be carefully kept and delivered to his successor in office. The said Journal shall be evidence. The compensation of the said Secretary may be fixed by said Commissioners at a sum not to exceed Twenty-five Dollars per year.

Section 7. That the said Commissioners of the town of Harrington for the time being, or a majority of them shall

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have the superintendence and oversight of all roads, streets, lanes, alleys, bridges and gutters, now opened or hereafter to be opened, and shall have power and authority to cause the streets, lanes, alleys, bridges, and gutters in said town, to be repaired, supported, regulated, removed, changed or amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund to be raised by way of tax upon persons authorized to vote for Commissioners by this act, and upon all lands and tenements, and interests in such lands and tenements, within the limits of said town hereinbefore described. Said fund is to be applied to discharge the expenses of repairing the said streets, lanes, alleys, bridges and gutters, and for any other purpose that will contribute to the safety, convenience and prosperity of said town. That the Commissioners for the time being or a majority of them, shall have the power upon the application of five or more citizens of said town, being seized of estates of freehold situated in said town, by petition to them for that purpose, to locate, lay out, and open any new street, streets or sidewalk, or widen or extend any then existing, which said five or more freeholders of said town may desire to be located, laid out, opened, widened or extended, allowing to the persons respectively, through or over whose grounds each new street, streets or sidewalk, or the widened part or extension of any such one may run, such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the Town of Harrington, out of moneys of said town, on warrant drawn on him by authority of the town commissioners aforesaid. That the Levy Court of Kent County be and hereby is directed to annually appropriate for the purposes of repairing and maintaining the said roads, streets, lanes, alleys, and bridges a sum of money not less than Six Hundred Dollars, and shall make an order for the payment thereof to said Commissioners, which said sum so appropriated shall be expended for that purpose and no other. The said town Commissioners shall have the sole supervision of said roads, streets, lanes, alleys and bridges, and shall settle with the said Levy Court as other overseers of public roads.

Given super-
vision over
streets

Special tax for
street improve-
ment

Opening new
streets, pro-
cedure for

Damages
allowed

Levy Court to
appropriate
\$600.00

Supervision of
streets vested
in Commis-
sioners

OF CITIES AND TOWNS.

Notice to
owner in pro-
ceedings to
open new
street, etc.

Section 8. That whenever the said Commissioners shall have proceeded to locate and lay out any new street, or sidewalk or to widen or extend any old one and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of said street, to notify in writing the owner or owners of the real estate through or over which such new street may run, of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each. And if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street or sidewalk or with the changes in the same or with the amount of the compensation or damage, he may, within ten days after receiving notice from the said Commissioners, as aforesaid, appeal from the determination or assessment or both by serving written notice to that effect on said Commissioners or some one of that body. In order to prosecute said appeal such owner or owners shall within ten days after the expiration of the ten days allowed for appeal, apply to the Justice of the Peace oldest in commission residing within said town, who shall within three days thereafter and upon notice to the said Commissioners or some member thereof, select and write down on a list the names of nine judicious and impartial freeholders in said town and residents thereof. The said Commissioners shall upon receiving said notice from the Justice, immediately notify all persons owning real estate on the said street and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the Justice, the said appellants or as many of them as choose and the said Commissioners shall attend. The appellants, their agents, or attorney, shall first strike out one of said names and the Commissioners, their agent or attorney shall strike out another until each shall have struck out three. Such striking out shall be confined and regulated as to leave three remaining freeholders resident as aforesaid, who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said

Appeal

Procedure of
selecting Free-
holders

Striking names

Hearing before
Freeholders

OF CITIES AND TOWNS.

street shall run who shall have notified the said Commissioners of their intention to appeal; and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and Commissioners. In case either side, Commissioners or Appellants, be not present before the Justice or shall refuse to strike, a Justice shall strike for the party so absent, neglecting or refusing. Any party, appellant, or Commissioner may within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residence, notice to the holders of any real estate call out the freeholders aforesaid who shall thereupon proceed upon oath and affirmation to inquire of the necessity of such street, or sidewalk, or for the widening or extending the same and in case they deem such to be necessary, to assess the damages of the several owners; their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any Justice of the Peace within said town in the name of "The Commissioners of the Town of Harrington" for the use of said town. If in case the award of the freeholders shall be against the necessity of any such street then no petition for any such new street so condemned shall be entertained by the said Commissioners then acting during the term for which they were elected. The act of a majority of the said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Section 9. That if on any such appeal the award shall be against the necessity of such a street, or the freeholders shall increase the damages of any appellant, then the cost of appeal shall be borne by the town, but if the freeholders shall affirm the necessity of the street or sidewalk, or change in the same, and shall not increase the damages of any appellant, then the costs shall be paid by the Commissioners and appellants equally; that the damages which may be assessed upon the occasion of opening any new street, shall be paid out of the funds of the town, or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such

Award final

Justice, when may strike

When Freeholders may act

Award, when made

Penalty for neglect of any such Freeholders

Second application, when may be made

Costs, how paid

Damages, how paid and deposited

OF CITIES AND TOWNS.

street; and in case any such owner or owners, in whose favor any such damages are assessed shall be a minor, non-resident or shall refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the First National Bank of Harrington or any other banking institution, which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall not be exceeding One Dollar per day.

Paving, etc.

Section 10. That the said Commissioners of the Town of Harrington, or a majority of them, be and they are hereby empowered upon the written petition of five or more freeholders of said town to direct in writing the proprietor or proprietors of any house or land in Harrington, before or in front of which the said Commissioners may deem proper that a pavement should be laid, to lay a pavement of brick, concrete, smooth stones or of any other material which may be approved by said Commissioners, and to curb the same. The length and width of such pavement to be as prescribed by said Commissioners. If such proprietor or proprietors shall neglect or refuse for the space of twenty days after being directed as aforesaid to lay such pavement and place a sufficient curb for the same, he, she or they shall forfeit and pay to the Town of Harrington for the use of said town the sum of five dollars for each day thereafter during which said pavement and curb shall remain unlaid or placed as aforesaid; and also upon the neglect or refusal aforesaid it shall and may be lawful for the Commissioners and they or a majority of them are empowered to cause pavements to be laid with such a good and sufficient curb as they may deem proper and to recover the cost of the same, together with the penalty above prescribed by the distress and sale of any goods and chattels, lands and tenements, belonging to such proprietor or proprietors within the limits of the said town. If any pavements or curbs already made shall at any time by the said Commissioners or a majority of them be deemed insufficient, they or a majority of them shall have power and are hereby required to direct in writing the proprietor or proprietors thereof to make sufficient ones, and upon neglect or refusal so to do for the space of twenty days, the said

Penalty for refusing to pave

Commissioners may pave when owner refuses

Costs, how recovered

Of insufficient pavement

Notice

OF CITIES AND TOWNS.

Commissioners or a majority of them shall cause the same to be done and recover the cost of the same, together with the same penalty above stated in like manner as above prescribed. If there be more than one owner of the premises affected by the paving, notice to one shall be deemed sufficient, and if there be no owner of said premises resident in the town of Harrington, notice to the occupier thereof shall be deemed sufficient, but if there be no occupier, then the posting of said notice upon the premises shall be deemed sufficient. If such bill be not paid by the owner or owners of such lands within thirty days after demand therefor shall have been made by the town Commissioners then it shall be the duty of said Town Commissioners to issue a warrant in the name of "The Commissioners of the Town of Harrington" under the hand of the President of the board and the seal of the said corporation, directed to the Treasurer of the said town commanding him that of the goods and chattels, lands and tenement of such owner or owners he shall cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the said Treasurer, as soon as convenient after the said warrant shall have been delivered to him, and after ten days notice to the owner or owners of said lands by letter or otherwise, after posting five or more notices of sale in at least five of the most public places of the town of Harrington at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of such bill with all costs. If no goods or chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Treasurer of the town of Harrington, after ten days notice to such owner or owners as aforesaid, and after posting five or more notices of the sale in at least five of the most public places of the Town of Harrington and for at least ten days before the day of sale to sell the lands and tenements of such owner or owners in front of which such paving, curbing, etc. above provided for have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs; and a deed from the Treasurer of the

Commissioners may pave when owner refuses and recover costs

Notice, what sufficient

Process for recovering costs of paving, etc.

Treasurer's duty to notify owner and post notices of sale

Order of sale

Deed by Treasurer

OF CITIES AND TOWNS.

said town of Harrington shall convey to the Purchaser of such lands and tenements as full and complete title in fee simple or otherwise as if the same were executed by the owner or owners thereof. The claim for paving and curbing shall be a lien on the premises in front of which the said work was done and said lien shall relate back to the time when the notice hereinbefore mentioned shall have been served upon the owner or owners or occupants of said premises, and shall have priority over any lien, encumbrance or conveyance, suffered or made by the owner or owners after the service of such notice. The said Commissioners or a majority of them may cause any sidewalks or portions thereof unpaved, to be covered with gravel, sand, dirt or other suitable material if they deem them not proper to be paved. The expense thereof to be borne by the owner or owners of the property in front of which said sidewalks may be. In such case the cost incurred shall be a lien as above provided in case of paving and curbing and the notice, penalty and means of recovering costs and penalty shall be as above prescribed. The Commissioners shall also have the right to fix the grade of any of the streets, sidewalks, lanes or alleys in said town.

Title conveyed

Claim aforesaid a lien

May make gravel sidewalks

Costs, how defrayed

Crossings

Expenses of said improvements to be paid by reversioner

When reversioner a minor, how recovered

The said Commissioners may provide suitable crossings for the streets of said town, the expense whereof shall be defrayed out of the funds of the town.

If any lot or lots or any of the said streets shall be held or owned by a widow or widows in right of dower, such expenses incurred under any of the provisions in this Section for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple, and if such owner or owners be minors at the time of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors and a receipt thereof to such guardian or agent shall be a sufficient evidence of such payment, and be allowed in his or her guardian's or agent's account. And if not paid by the guardian or agent as aforesaid on the presentation of the bill, the same to remain on interest from day of presentation and be a lien against such lot and improvements till paid.

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All subsequent repairs named in this act to be kept up at the expense of such holder in right of dower. Repairs to be made by tenant in dower

Section 11. That the said Commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary; and they are hereby authorized and required to provide sanitary measures for the health of the citizens; cause all obstructions and nuisances that may at any time be and exist in the limits of said town, whether in the streets, lanes, alleys, or gutters, on the sidewalk, on private property or in any other place within the limits aforesaid to be removed or abated; if the said Commissioners or a majority of them, either of themselves, or upon such information, and upon view shall determine that an obstruction or nuisance exists, and ought to be removed, they shall give notice in writing to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, or if such persons shall refuse or neglect for the space of two days after such notice to remove or abate said obstruction or nuisance he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the said Commissioners for the use of the town in the same manner as debts of that amount are recoverable; and for every additional day the same shall, remain unabated and removed, "he or she" shall forfeit the further sum of ten dollars to be recovered with costs in the same manner. Ordinances
Sanitary measures
Nuisances
Penalty for not abating nuisances after notice

Section 12. That it shall and may be lawful for the said Commissioners to keep and maintain a suitable place as a lock up or jail for the use of said town and the Alderman of said town, or any Justice of the Peace acting under the provisions of this Act or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulation adopted by virtue of the power herein conferred, may commit to the said lock up or jail for any time not exceeding thirty days, and for want of said lock up or jail, or on account of its over-crowded, unhealthy or unsafe condition, to the common jail of the county in which the offense may be committed. Lockup or Jail authorized

Section 13. That the Commissioners shall, at the first stated meeting in every year, determine the amount of tax Assessment

OF CITIES AND TOWNS.

to be raised on said town for that year, not exceeding Sixteen Hundred Dollars, excluding the dog tax. It shall be the duty of the Assessor of said town, within two weeks after the first stated meeting, to make a true, just and impartial valuation and assessment of all the real estate and of all personal property subject to County assessment within said town, excepting such personal property as may be situated on and used in connection with any farm lands situated within the limits of the said town of Harrington, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate, as those not owning such estate within its limits, and also to ascertain the number of dogs in said town, and the owners of such dogs, assessing each dog to the owner thereof at fifty cents, and the said assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment distinguishing the real, poll and personal assessment of each. When the assessment is returned the Commissioners shall give five days public notice of that fact, and that they will sit together at a certain day and place to be designated by them, from one to four o'clock in the afternoon, to hear appeals from said assessment, except that of dogs, which shall always be fifty cents to each owner or keeper of each dog. When the appeal day has passed, they shall without delay cause the assessment list to be transcribed, and the transcript to be delivered to the Collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commissions and delinquencies which shall be allowed by the Commissioners, to the Treasurer by the first day of September for the year 1907 and by the first day of July in every year thereafter next after the receipt of this duplicate. The Collector shall have the same power for the collection of the said taxes as are conferred by law on the Collectors of County taxes: The Collector, before entering on the duties of his office, shall give bond with sufficient surety in the penal sum of double the amount of money to be by him collected each year to "The Commissioners of the Town of Harrington" conditioned for the payment to the Treasurer of all moneys collected and for the settlement of

Dog tax

Duplicate

Appeals

Transcript

Collector of taxes

Bond of

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his accounts with the Treasurer in the month of July for the year for which he is elected Collector, except in the year 1907 in which year he shall settle in the month of September, and at such other times as the Commissioners may require. The Treasurer shall in like manner, before entering upon the duties of his office, give bond with sufficient surety in the penal sum of five hundred dollars, or such other sums as the Commissioners may require, to "The Commissioners of the Town of Harrington" conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office all such sums of money as may remain in his hands upon the settlement of his accounts. The said Assessor and Treasurer shall each have a reasonable compensation, to be determined by the Commissioners.

Treasurer to
give bond

The Collector and Treasurer of the said town shall annually on or before the first Monday in November prepare a true and correct list of all uncollected taxes and furnish a true copy of the same to the said Commissioners at the first meeting thereafter, a copy of which list shall be posted in one or more public places within said town.

List of taxes
uncollected

Section 14. That the said Commissioners are hereby authorized to appoint a police force composed of discreet and judicious citizens of Harrington. The said police shall have all the powers and authority within the limits of said town, of a constable in and for Kent County, as to the cognizance of all breaches of the peace and other offenses within said town and shall hold office subject to the option of the said Commissioners. The emoluments of said police shall be fixed by the said Commissioners. It shall be the duty of the aforesaid Commissioners, Alderman and Police, or of any Justice of the Peace and constable of Kent County, residing in said town to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons or disorderly or noisy assemblages, or gatherings of any person or persons in the streets, lanes, alleys, houses or any place or places in said town; and for this purpose it shall be the duty of the said police or any constable upon view or upon the requisition of the Alderman or of any one of the said Commissioners and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or

Police force

Powers of

To suppress
riots, &c

May arrest
without war-
rant

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Penalty	them before the said Alderman, or any Justice of the Peace resident in said town, and upon conviction before the said Alderman or Justice of the Peace as aforesaid, whose duty it shall be to hear (and determine the case) the said Alderman or Justice of the Peace, shall sentence any such person or persons so convicted to pay a fine not exceeding Twenty Dollars and commit the party to the lock up or jail, for any period not more than thirty days, or both, or until said fine and the costs are paid. It shall be the duty of said Alderman or Justice of the Peace upon complaint made before him of
When warrant to issue	such riotous, turbulent, or disorderly conduct as aforesaid, or any noisy assemblages, to issue his warrant to the said police or constable, commanding him to bring any such person or persons so offending as aforesaid, before him for trial. That
Lock up	the said lock up or jail shall be in charge of the town police, whose duty it shall be to provide for the maintenance of such persons as may from time to time be confined therein, the expenses to be defrayed by the Treasurer of the Town, upon a warrant drawn upon him by the Commissioners, for that purpose. They shall also have the power to appoint a supervisor
Supervisor of streets	of streets, whose duty it shall be to attend to the repairs of the streets, lanes, alleys, bridges and gutters of the town, subject to the control and direction of the said Commissioners. He shall receive such compensation for his services as the Commissioners may deem just and proper.
To suppress bon fires, &c.	Section 15. That it shall be the duty of said Commissioners, Alderman, Police or Justice of the Peace, to suppress, extinguish and prevent all bon fires in any of the streets, lanes, or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fire works or making or throwing fire balls within the limits of said town, that the said Commissioners may enact and publish ordinances, with reasonable penalties for preventing the same and punishing persons guilty of their violation. Any fine
Fines, how collected	imposed by any such ordinance may be collected before the said Alderman or Justice of the Peace of said town, and in default of payment the said Alderman or Justice of the Peace may commit for any time not more than ten days. All fines and forfeitures recovered under the provisions of this act by the Alderman or Justice of the Peace, as aforesaid, shall be paid over to the treasurer for the use of the town. If any

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constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the said Commissioners to present him to the Grand Jury, and upon conviction, he shall in addition to the punishment imposed by the Court, forfeit his office. Officers falling to duty, a misdemeanor

Section 16. That it shall be the duty of the Alderman for the time being and he is required to appoint annually in the month of November two competent and suitable persons, who shall be residents and taxables of said Town of Harrington, auditors of the accounts of the Commissioners of said town of Harrington, whose duty it shall be to examine all the accounts of the collector and treasurer and of said Commissioners for the current year and to audit the same. The said auditors shall on or before the fifth day of January next ensuing their appointment make a report of said accounts so examined and audited and post the same in some public place in the town of Harrington. The said auditors for the purposes aforesaid shall have access to all the records belonging to said Commissioners of the town of Harrington. Auditors
Duty of
Report of

Section 17. That no circus, menagerie, theatrical or minstrel company or any such exhibition of any kind shall be exhibited, or bills posted therefor or parade thereof on any of the streets, lanes or alleys of said town. Nor shall any person, firm, company or corporation open, any temporary place of business for the purpose of selling or offering for sale any goods, wares, merchandise or articles of any kind within the limits of the town of Harrington, without having first obtained permission of the town Commissioners, who shall hereby have power to grant license for that purpose, the charge for the same to be at their discretion. Provided, that the foregoing shall not apply to the theatricals or other entertainments, gotten up by the citizens of the town. And the said Commissioners shall further have power to designate the location of wagons for peddlers of beef or other fresh meats, fish, oysters or vegetables, and to grant license for the same for such sum and for such length of time, not exceeding one year, as said Commissioners may deem proper, and that such peddlers shall be protected in and have exclusive use of the location for which such license has been paid, and dur- May license certain occupation
Peddlers

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Proviso: ing its continuance. Provided, further, that nothing herein shall be construed to prevent farmers, truckers or other persons from selling such articles as are of their production, or to prevent persons driving through the streets and selling beef, or other fresh meats, fish, oysters and vegetables. And that the said Commissioners shall not have the power to license any peddler aforesaid, or grant a stand before any place of business or where such stand or wagon would interfere with the convenience of public travel. Any circus, menagerie, theatrical or minstrel company or exhibition of any kind except as aforesaid, or any peddler of beef, or any fresh meats, fish, oysters and vegetables except as hereinbefore provided, who shall violate the provisions of this Act, shall forfeit and pay a fine not exceeding the sum of twenty-five dollars, at the discretion of the said Commissioners, and for the use of the town.

Violation of section liable to fine

Certain property tax exempt Section 18. That if any person or persons shall hereafter erect or set up a plant for the purpose of manufacturing therein, within the limits of said town, the Commissioners shall have power to remit all taxes that may be levied or imposed on said plant for town purposes for a period not exceeding ten years, but such remission of taxes as aforesaid shall be at the discretion of the Commissioners.

Board of Health Section 19. That the Commissioners shall appoint in the month of March in every year three good and substantial citizens one of whom shall be a practicing physician, who shall constitute a Board of Health for said town and who shall serve for one year, and whose duty shall be to have cognizance of the interests of health and life among the people of said town and to report to the Commissioners in writing whatever in their judgment is injurious to the health, or that shall contribute to useful sanitary information. The said board shall have all the powers vested by the laws of this State, now or hereafter enacted, in Boards of Health generally, as also such additional powers as may be conferred by ordinances adopted by the Commissioners of the town of Harrington. Said board shall organize by the election of a President and Secretary, within ten days after notice of their appointment, and said board shall keep a record of their proceedings and acts as a board. For so doing the Secretary of

Powers and duties of

OF CITIES AND TOWNS.

said board may be allowed a reasonable compensation for his services, to be determined by the Commissioners. Compensation

Section 20. That there shall be four stated meetings in every year of the said Commissioners, viz: on the third Saturdays in January, April, August and December. There shall also be a stated meeting on the third Saturday in March in the year, A. D. 1907. Adjourned meetings may be held from time to time. Special meetings may be called at any time by the President of the board or any Commissioner on at least one day's notice in writing, service by mail being sufficient. At which meetings they may pass all such ordinances or rules for the good government of the said town the imposition of license taxes on telephone, telegraph or electric light poles, the improvement of the streets, or digging or tearing up of the same, the paving or other improvement of the sidewalks, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments, and general welfare, as by said Commissioners may be deemed proper; provided the same be not repugnant to the constitution of laws of this State. By such ordinances they may impose fines, penalties and forfeitures and provide for their collection. But that the said Commissioners shall not have the right or authority to grant franchise for any longer period than five years without having first submitted the question of granting or not granting the said franchise to the vote of the qualified voters of the said town of Harrington. Stated meetings of council
Special meetings
Acts done at special meeting valid as at stated meeting
Franchise may not be granted for longer than five years

That said Commissioners may also make such regulations as they may deem expedient concerning dogs that may be running at large on the streets of the said town, and the mode of indicating those taxed.

Section 21. That the Commissioners or a majority of them, shall have authority to employ the money of the treasury of the town for the general improvement and benefit and ornament of the said town as they may deem advisable and to carry out the purposes of this act, and all moneys paid out by the Treasurer shall be paid upon the order of the Commissioners or a majority of them. Funds, for what used

Section 22. That the act entitled "An Act to incorporate

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Chap. 480, Vol. 13, repealed the Town of Harrington," being Chapter 480, of Volume 13

Ordinances
unaffected

of the Laws of Delaware, and all acts amendatory thereto, and all other acts or parts of acts inconsistent with the provisions of this present Act are hereby repealed. But all ordinances of the said town of Harrington heretofore enacted or adopted under the provisions of said Act of Incorporation, and now in force in pursuance of any law of this State, are hereby expressly saved and excepted from repeal, and hereby declared to be in full force and effect.

Acts done
unaffected

That all the acts and doings of the Commissioners of the said town of Harrington or any officers of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the Commissioners of said town are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said town of Harrington are also declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof, shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid. That the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town under any law or ordinance shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged. And that any right which may have accrued to the said Commissioners of the town of Harrington to collect expenses laid out in laying down any pavement or sidewalk within the limits of said town shall also be expressly preserved and shall not be affected or impaired by this repeal.

Debts due
and owing
unaffected

Collectors
powers un-
affected

Official bond
unaffected

All proceed-
ings un-
affected

Section 23. That this act shall be deemed and taken to be a public Act.

Approved April 11, A. D. 1907.

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CHAPTER 210.

OF CITIES AND TOWNS.

AN ACT to Re-incorporate the Town of Milford.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 1. That the corporate limits and bounds of the said town of Milford shall be and remain as follows, viz: beginning at Mispillion creek east of the town at a landing known as Paul Knabbs, thence partly with a lane leading thereto north fifty-three degrees west two hundred and thirteen perches to the road leading out Church street of the said town of Milford to Frederica, thence south thirty-four degrees west a straight line to Milford mill pond across the road leading from the said town of Milford to Cullentown at a deep wash and small bridge over said road, thence in a direct line across said mill pond to the mouth of the Presbyterian branch of said branch, up said branch to a point opposite Clark's Avenue, thence across the lands of Mary O. Caulk and Florence C. Grier to Clark's Avenue, thence with said avenue to the point where it intersects the road from Milford to Georgetown, thence in a direct line in a northeasterly direction to the division line between the lands of Carrie Latchum and Asbury Smith on the north side of the road leading from Milford to Milton; thence in a straight line in a northerly direction to a point on said Mispillion creek known as Peach Tree Landing; thence up and across said creek to Paul Knabb's landing to the place of beginning.

Section 2. And be it further enacted as aforesaid, that the government of said town of Milford shall be vested in a town council composed of a president and six members; all of whom shall be residents of said town and the president and three members of said council shall also be seized of estates of freehold situated in said town. Three of said councilmen shall be residents of that part of the town known as

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Officers North Milford and three of that part of the town known as South Milford. There shall also be an alderman, a collector and treasurer. The members of the present town council of the town of Milford shall continue to hold office during the respective terms for which they were elected or until their successors have been duly chosen and qualified as hereinafter provided. On the first Monday in January, nineteen hundred and eight, a president and four members of said council shall be elected; the president to hold office for the term of one year or until his successor shall have been duly chosen and qualified; two of said four members shall be elected to hold office for the term of two years or until their successors shall have been duly chosen and qualified, and the remaining two of said four members shall be elected for the term of one year or until their successors shall have been duly chosen and qualified. On the first Monday in January of each year thereafter there shall be elected a president and four members of said council; the said president to hold office for the term of one year or until his successor shall have been duly chosen and qualified; two of said four members shall hold office for the term of two years or until their successors shall have been duly chosen and qualified and the remaining two of said members shall be elected for the term of one year or until their successors shall have been duly chosen and qualified. There shall also be elected on the first Monday in January of each year beginning with the year nineteen hundred and eight, an alderman, a collector and treasurer who shall hold office for the term of one year or until their successors shall have been duly chosen and qualified. The present alderman, collector and treasurer of the said town shall hold office until the expiration of the terms for which they were elected.

Annual election, when held

Section 3. And be it further enacted as aforesaid, that an election shall be held in the town of Milford aforesaid on the first Monday in January in the year nineteen hundred and eight and on the first Monday of every January thereafter from twelve o'clock until four o'clock in the afternoon, at such place as shall be determined and fixed by the town council, due notice in writing or printing whereof shall be given by the said council at least five days before said subsequent elections, for the purpose of electing the officers as

Notice thereof

OF CITIES AND TOWNS.

provided for in Section 2. The votes shall be received by a Justice of the Peace in said town and the result of the ballot-
 ing for said president and councilmen, alderman, collector and treasurer, shall be ascertained by himself and two citizens of said town, to be elected by the town council to assist in holding said election. At such election every citizen of said town, male and female, who shall have attained the age of twenty-one years and shall have resided in said town one year next preceding the day of election, and is a taxable thereof, and shall have paid a town tax within twelve months prior to the day of holding said election, shall have a right to a vote. But no one shall be permitted to vote who has been declared a delinquent for the year next preceding the election. The justice of the peace and two citizens aforesaid shall be judges of the election and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted in public, and the persons having the highest number of votes shall be declared duly elected and shall continue in office during the term for which they were chosen, or until their successors are duly elected. Immediately after such election the person or persons under whose superintendence the election is held, shall enter in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen president, councilmen, alderman, collector and treasurer, and shall subscribe the same and shall give to the president, councilmen, alderman, collector and treasurer elect, certificates of their election, the book containing such minutes shall be preserved by the town council and shall be evidence.

Section 4. And be it further enacted as aforesaid, that the president and councilmen of the town of Milford to be elected as hereinbefore described and their successors in office shall be and they are hereby created a body politic and corporate in law, and said president and councilmen of the town of Milford and their successors shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of judicature whatsoever in this State by the corporate name of the "Town Council of Milford," and may have and use a common seal with such device or devices as they shall think proper, with power to alter or change the same as may be deemed ex-

Vote ascertained by whom

Qualifications of electors

Judges of election

Canvass of vote

Minutes of election

Certificates of election

Incorporation

Corporate name

Powers

OF CITIES AND TOWNS.

pedient; to purchase, take, hold, receive, and enjoy any messuages, lands, tenements or hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and to alien, grant, demise, sell and dispose of the same in such manner and form as they may deem expedient; they shall also have full power and authority to contract for the lighting of the streets of the town of Milford with gas or otherwise, but such contract shall not be made for a longer period than five years and their successors in office shall faithfully observe and execute the same.

Proviso

Powers of Alderman

Section 5. And be it further enacted as aforesaid, that the person elected alderman as aforesaid of said town shall have all the power of a justice of the peace, within the limits of said town, so far as the jurisdiction and cognizance of all breaches of peace and other offenses within said town, to arrest and hold to bail or fine and imprison such offenders, and of all fines and forfeitures and penalties which may be prescribed by any law of the State or by ordinance of the town council regularly passed and established for the government of said town, and of all neglects, omissions or defaults of the town police, collector and treasurer, or assessor or any other person whose duty it may be to collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof. Provided, that he shall not impose any fine exceeding twenty-five dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said alderman shall be the same as are allowed justices of the peace for similar services under the laws of this State. It shall be the duty of the alderman to keep a book of record or docket, to be called the alderman's docket of the town of Milford, to be provided by the town council aforesaid, in which all his official acts shall be entered, and he shall upon the expiration of his term of office deliver over to his successors all the books, papers, etc., pertaining to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay for the use of said town the sum of twenty dollars to be recovered before

Proviso

Fees

Record

Duties respecting record, papers, etc., of office

Penalty for neglect

OF CITIES AND TOWNS.

the succeeding Alderman or any justice of the peace residing in said town.

Section 6. And be it further enacted as aforesaid, that the president, councilmen, alderman, collector and treasurer aforesaid so elected shall before one of the justices of the peace in the said town, be duly qualified by oath or affirmation to perform the duties of their offices to the best of their ability, respectively, and without favor or partiality, and after being so qualified the said president and councilmen at their first meeting after each election shall choose a secretary who may be removed at any time for any cause deemed sufficient by a majority of said council. If a vacancy should occur in the office of president, councilmen, alderman, collector and treasurer during the said term of office, the said president and councilmen, or a majority of them, for the time being, at their next meeting thereafter, are hereby authorized to fill such vacancy by appointing a president, councilmen, alderman, collector and treasurer, or either, as the case may be, to fill the unexpired term of said office or offices, and all such appointments made by said town council, authorized as aforesaid. All the members of the council shall act, but the decision of a majority shall govern. The officers so appointed after being qualified as aforesaid, shall have all the power in like manner and be subject to all penalties the same as those duly elected to said office or offices. It shall be the duty of the president chosen as aforesaid, to preside at all meetings of said council, and in case of his or the secretary's absence, an officer pro tem shall be appointed to act in his or their place. It shall be the duty of the secretary to record all the proceedings of the said council and keep a correct journal of the same in a book or books, to be provided for the purpose and also the papers relative to said town. All of which are to be carefully preserved and delivered to his successor in office. His compensation shall be fixed by the council not to exceed fifty dollars per annum.

Officers to be sworn

Secretary

Vacancies, how filled

Majority to govern

Duty of President

Secretary, duty of

Section 7. And be it further enacted as aforesaid, that the president and councilmen for the time being or a majority of them shall have the superintendence and oversight of all roads, streets, lanes, alleys, bridges and gutters, now

Superintendent of Streets

OF CITIES AND TOWNS.

pedient; to purchase, take, hold, receive, and enjoy any messuages, lands, tenements or hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and to alien, grant, demise, sell and dispose of the same in such manner and form as they may deem expedient; they shall also have full power and authority to contract for the lighting of the streets of the town of Milford with gas or otherwise, but such contract shall not be made for a longer period than five years and their successors in office shall faithfully observe and execute the same.

Proviso

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Proviso

Fees

Record

Duties respecting record, papers, etc., of office

Penalty for neglect

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OF CITIES AND TOWNS.

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Section 7. And be it further enacted as aforesaid, that the president and councilmen for the time being or a majority of them shall have the superintendence and oversight of all roads, streets, lanes, alleys, bridges and gutters, now

OF CITIES AND TOWNS.

opened or hereafter to be opened, and shall have power and authority to cause the streets, lanes, alleys, bridges and gutters in said town, to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund to be raised by way of tax upon persons authorized to vote for councilmen by this act, and upon all lands and tenements, and interests in such lands and tenements, within the limits of said town hereinbefore described. Said fund is to be applied to discharge the expenses of repairing the said streets, lanes, alleys, bridges and gutters, and for any other purpose that will contribute to the safety, convenience and prosperity of said town. That the council for the time being or a majority of them, shall have the power upon the application of five or more citizens of said town, being seized of estates of freehold situated in said town, by petition to them for that purpose, to locate, lay out, and open any new street or streets which said five or more freeholders of said town may desire to be located and laid out and opened, allowing to the persons respectively, through or over whose grounds each new street or streets may run, such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town of Milford, out of moneys of said town, on warrant drawn on him by authority of the town council aforesaid. That the Levy Courts of Kent and Sussex Counties, be and they are hereby directed, in making the apportionment of the sum of the road taxes to be paid to the overseers of roads of the respective counties annually, to make an order for the payment to the said town council of Milford of the sum of four hundred and fifty dollars by each of said counties, to be by said council expended in repairing and maintaining the roads, streets and bridges within the limits of said town; and the said council shall have the sole supervision of said roads, streets and bridges, and shall settle with the said Levy Courts as other overseers of public roads: provided, always, that the said town council shall in no case be required to repair or keep in order, any roads or walks or mill dams or bridges of any mill or mills that may be included in the limits of said town by this act, or bridges over

Tax to be levied

Application of fund

Location of new street

Damages, how paid

Levy Courts of Kent and Sussex counties to make appropriations

Town to make settlement with Levy Courts

Proviso: Certain improvements not charge on town

OF CITIES AND TOWNS.

Mispyllion creek, or any roads or highways subject to be supported by the counties of Kent and Sussex.

Section 8. And be it further enacted as aforesaid, that whenever the said town council shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of said street, to notify in writing the owner or owners of the real estate through or over which such new street may run, of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each. And if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street or with the amount of the compensation or damage, he may, within ten days after receiving notice from the said council, as aforesaid, appeal from the determination or assessment or both by serving written notice to that effect on said council or someone of that body. In order to prosecute said appeal such owner or owners shall within ten days after the expiration of the ten days allowed for appeal, apply to the justice of the peace oldest in commission residing within said town, who shall within three days thereafter and upon notice to the said town council or some member thereof, select and write down on a list the names of fifteen judicious and impartial freeholders in said town and residents thereof. The said town council shall upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the justice, the said appellants or as many of them as choose and the members of the said council shall attend. The appellants, their agents or attorney, shall first strike out one of said names, and councilmen, their agent or attorney shall strike out another until each shall have struck out five. Such striking out shall be confined and regulated as to leave five remaining freeholders resident as aforesaid, who shall determine concerning the necessity of said street and assess the damages of all owners of real

Notice to
owners of in-
tention to
open new
street

Notice to
tenant

Appeal

Proceedings in
appeal

OF CITIES AND TOWNS.

estate through or over whose ground the said street shall run who shall have notified the town council of their intention to appeal; and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and town council. In case either side, town council or appellants, be not present before the justice or shall refuse to strike, a justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or town council may within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residence, notice to the holders of any real estate call out the freeholders aforesaid who shall thereupon proceed upon oath or affirmation to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners; their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any justice of the peace within said town in the name of the town council of Milford for the use of said town. If in case the award of the freeholders shall be against the necessity of any such street then no petition for any such new street so condemned shall be entertained by the members of said council then acting during the term for which they were elected. The act of a majority of said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Award final

Award to be made within twenty days

Penalty for refusal to serve

When petition may be renewed

Act of majority of Freeholders effective

Costs of appeal, how paid

Damages to be paid before taking lands

Section 9. And be it further enacted as aforesaid, that if on any such appeal the award shall be against the necessity of such a street, or the freeholders shall increase the damages of any appellant, then the cost of appeal shall be borne by the town, but if the freeholders shall affirm the necessity of the street and shall not increase the damages of any appellant, then the costs shall be paid by the town council and appellants equally; that the damages which may be assessed upon the occasion of opening any new street, shall be paid out of the funds of the town, or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of

OF CITIES AND TOWNS.

any such street; and in case any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident or shall refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the First National Bank of Milford or any other banking institution, which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be two dollars per day.

Section 10. And be it further enacted as aforesaid, that the members of said council, or a majority of them, be and they are hereby empowered upon the written petition of five or more freeholders of said town to direct in writing the proprietor or proprietors of any house or land in Milford, before or in front of which the said council may deem proper that a pavement should be laid, to lay a pavement of brick, concrete, smooth stones or of any other material which may be approved by said council. The length and width of such pavement to be as prescribed by said council. If such proprietor or proprietors shall neglect or refuse for the space of twenty days after being directed as aforesaid, to lay such pavement, he, she or they shall forfeit and pay to the town of Milford for the use of said town the sum of five dollars for each day thereafter during which said pavement shall remain unlaid as aforesaid; and also upon the neglect or refusal aforesaid it shall and may be lawful for the members of said council and they or a majority of them are empowered to cause pavements to be laid and to recover the cost of the same together with the penalty above prescribed by the distress and sale of any goods and chattels, lands and tenements, belonging to such proprietor or proprietors within the limits of the said town. If any pavements already made shall at any time by the members of said council or a majority of them be deemed an insufficient pavement, they or a majority of them shall have power and are hereby required to direct in writing the proprietor or proprietors thereof to make a sufficient one, and upon neglect or refusal so to do for the space of twenty days, the members of said council or a majority of them shall cause the same to be done and recover, the cost of the same together with the same penalty above stated in like manner as above pre-

Payment, how
made in certain
cases

Paving and
Curbing

Penalty for
neglect to pave

Council may
pave, when

Cost, how
recovered

Pavements,
repair of

Council may
repair, when

OF CITIES AND TOWNS.

Notice to
owners

scribed. If there be more than one owner of the premises affected by the paving, notice to one shall be deemed sufficient, and if there be no owner of said premises resident in the town of Milford, notice to the occupier thereof shall be deemed sufficient but if there be no occupier, then the posting of said notice upon the premises shall be deemed sufficient. The members of said council or a majority of them

Gravel side-
walks

may cause any sidewalks or portions thereof as are unpaved, to be covered with gravel, sand, dirt or other suitable material if they deem them not proper to be paved. The expense thereof to be borne by the owner or owners of the property in front of which said sidewalks may be. In such case the notice, penalty and means of recovering costs and

Curbing

penalty shall be as above prescribed. The council shall have the authority to curb any of the sidewalks or any portion thereof in said town, the costs of setting the same and the material thereof shall be at the expense of the town. The council shall also have the right to fix the grade of any of the streets, sidewalks, lanes or alleys in said town.

Crossings

The said council may provide suitable crossings for the streets of said town, the expense whereof shall be defrayed out of the funds of the town.

Council may
order owners to
tap water and
sewer mains

And the said council, or a majority of them, shall also have the power, and they are hereby authorized to order and direct the owners of any real property in said town situated on any street where there is a water main and a sewer main, to tap the sewer main and the water main in said street, and to connect said sewer main and said water main by pipes with the property so situated on said street as aforesaid; and upon failure of the owner or owners of any such property to tap and connect with said sewer and water mains as aforesaid for the space of twenty days after notification so to do, the said council may, and they are hereby authorized to cause said mains to be tapped and connections made and to recover the costs and penalties of same as hereinbefore provided in the case of paving. The provisions in regard to notices and penalties shall be as prescribed in the case of paving.

Refusal to so
tap, Council
may do so and
collect costs

Lands held by
widow, expen-
ses how paid

If any lot or lots on any of the said streets shall be held or owned by a widow or widows in right of dower, such ex-

OF CITIES AND TOWNS.

penses incurred under any of the provisions in this Section for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple, and if such owner or owners be minors at the time of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors and a receipt therefor to such guardian or agent shall be a sufficient evidence of such payment, and be allowed in his or her guardian's or agent's account. And if not paid by the guardian or agent as aforesaid on the presentation of the bill, the same to remain on interest from day of presentation and be a lien against such lot and improvements till paid. All subsequent repairs named in this act to be kept up at the expense of such holder in right of dower.

Expenses a lien

Section 11. And be it further enacted as aforesaid, that the said town council shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary; and they are hereby authorized and required to provide sanitary measures for the health of the citizens; cause all obstructions and nuisances that may at any time be and exist in the limits of said town, whether in the streets, lanes, alleys, or gutters, on the sidewalk, on private property or in any other place within the limits aforesaid to be removed or abated; the said council, or a majority of them, either of themselves, or upon such information, and upon view shall determine that an obstruction or nuisance exists, and ought to be removed, they shall give notice in writing to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, or if such persons shall refuse or neglect for the space of two days after such notice to remove or abate said obstruction or nuisance he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the said town council for the use of the town in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unabated and removed, "he or she" shall forfeit the further sum of ten dollars to be recovered with costs in the same manner. The said town council shall have power to grant building permits under such regulations as they may deem proper by an ordinance.

Authorized to enact ordinances, &c.

May abate nuisances

Penalty for refusal to abate nuisances

Building permits

OF CITIES AND TOWNS.

May determine character of building in certain section of town The said council may provide by ordinance against the erection, rebuilding or remodelling on Walnut street between Second street north and Second street south in said town and within two hundred feet of the curb line of said Walnut street between the streets aforesaid, of any building, house or structure, excepting the same or such part or parts thereof as said council shall determine shall be of iron, brick, stone or other non-inflammable material.

May maintain a lock up Section 12. Be it further enacted as aforesaid, that it shall and may be lawful for the said town council to keep and maintain a suitable place as a lock up or jail for the use of said town and the alderman of said town, or any justice of the peace acting under the provisions of this act or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulation adopted by virtue of the power herein conferred, may **Adlerman may commit offenders therein** commit to the said lock up or jail for any time not exceeding thirty days, and for want of said lock up or jail, or on account of its over-crowded, unhealthy or unsafe condition, to the common jail of the county in which the offense may be committed.

Assessment, where and how made Section 13. And be it further enacted as aforesaid, that beginning with the year nineteen hundred and ten, there shall, in the month of January, or of February before the tenth day thereof in every fourth year, be made a true, just and impartial valuation and assessment of all the real estate within the said town and of all the personal property subject to County taxation within said town, locating each parcel of real property by street and number, and also an assessment of all the male residents in said town above the age of twenty-one years, as well those owning as those not owning real estate and personal property within its limits. The said valuation and assessment shall be made by an assessor. He shall **Assessor, when elected** be elected by a majority vote of the town council at the first meeting of the said council held after the town election in January, nineteen hundred and ten, and every fourth year thereafter. **Qualification of** The said assessor shall be a freeholder within the corporate limits of the town of Milford, who shall before entering upon the duties of his office be duly qualified by oath or affirmation, to be administered by one of the justices of

OF CITIES AND TOWNS.

the peace of the said town, to perform the duties of his office to the best of his knowledge, and without favor or partiality. The town council shall annually, except in the years when the assessment is made by the assessor, make a scrap assessment in the month of January, or of February before the tenth day thereof, assessing all improvements made during the year and all male citizens above the age of twenty-one years who have taken up their residence in said town during the year, and dropping from the assessment the names of those who have removed from the said town during the year. The said quarterly assessment, as changed annually by said town council and as finally made up as hereinafter provided, shall form the basis for the tax duplicate provided for by Section 14 of this act. The said assessor shall forthwith, after making such assessment, deliver to the said town council for the time being a typewritten duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. The council shall assess the real estate and personal estate of the assessor. The said council shall between the tenth and twentieth days of February of each year cause two typewritten copies of a full and complete transcript of said duplicate or of the said scrap assessment hereinbefore referred to, to be hung up, one in the postoffice and the other in some public place in the said town, there to remain for the space of fifteen days thereafter for public information. And the said council shall on the Monday next, after the expiration of the said fifteen days, hold a court of appeals, which shall continue open from nine o'clock A. M. until twelve M., when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also of the time and place of hearing appeals, shall be given in the newspapers of said town and by notices posted in at least six public places in said town. The decision of the council upon any appeals shall be final and conclusive. No councilman shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by the said council, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and reasonable proportion and rates. The as-

Annual assessments

Tax duplicate

Transcripts

Appeals

Notice thereof

OF CITIES AND TOWNS.

assessment for the town of Milford made in the year nineteen hundred and six and all amendments thereto shall be and remain the basis of the assessment until a new one shall be made in the year nineteen hundred and ten as hereinbefore provided.

Collector to be
furnished with
list of taxables,
&c

Section 14. And be it further enacted as aforesaid, That the said council after having ascertained the sum necessary to be raised on the said town for the purpose of this act and having apportioned the same on the assessment and valuation aforesaid, shall yearly in the month of April, or as soon thereafter as convenient, furnish the collector and treasurer of said town with a list, containing the names of the taxables as well the owners of real estate and taxable personal property as those not owning real estate or taxable personal property, distinguishing between them, and also the tax levied on each person and also the tax on the whole valuation and assessment and the rate per hundred dollars. The list shall be signed by the council or a majority of them. The collector and treasurer immediately after receiving the said list shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are by law given to the collector of the county rates and levies, or collector of school taxes. The collector and treasurer, before he enters on the duties of his office shall give bond with some good trust or surety company as surety thereon in a sum of not less than three thousand dollars to the said council, conditional for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said collector and treasurer shall pay all orders drawn on him by the said council or a majority of them, and shall settle his accounts with the said council annually in the month of December and as often and at such time as they or a majority of them shall require. The collector and treasurer of the said town shall annually on or about the first Monday in November prepare a true and correct list of all uncollected poll taxes, and furnish a true copy of the same to the said town council at its first meeting thereafter, which list shall be published for the period of one issue in one or more newspapers in the town of Milford. The said assessor and col-

Powers of
Collector

Bond

Settlement of
accounts

Delinquent list

OF CITIES AND TOWNS.

lector and treasurer shall each receive a reasonable compensation to be determined by said council, but the assessor shall not receive more than one hundred dollars. That the said council now elected or who shall hereafter be elected shall at no time in and for any one year, levy upon any assessment that shall or may be made a tax for current purposes exclusive of taxes for interest and sinking fund on indebtedness authorized by special act to exceed in the net aggregate the sum of nine thousand dollars.

Compensation
of collector

Limit of
amount of tax
to be raised

Section 15. And be it further enacted as aforesaid, that the said council are hereby authorized to appoint a police force composed of discreet and judicious citizens of Milford. The said police shall have all the powers and authority within the limits of said town, of a constable in and for Kent or Sussex County, as to the cognizance of all breaches of the peace and other offenses within said town and shall hold office subject to the option of the council. The emoluments of said police shall be fixed by the said council. It shall be the duty of the aforesaid president, councilmen, alderman and police, or of any justice of the peace and constable of Kent and Sussex Counties, residing in said town to suppress all riotous, turbulent, disorderly, or noisy conduct of any person or persons or disorderly, noisy assemblages, or gatherings of any person or persons in the street, lanes, alleys, houses or any place or places in said town; and for this purpose it shall be the duty of the said police or any constable upon view or upon the requisition of the alderman or of any member of said council and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said alderman, or any justice of the peace resident in said town, and upon conviction before the said alderman or justice of the peace as aforesaid, whose duty it shall be to hear (and determine the case) the said alderman or justice of the peace, shall sentence any such person or persons so convicted to pay a fine not exceeding twenty dollars and commit the party to the lock up or jail, for any period not more than thirty days or both, or until said fine and the costs be paid. It shall be the duty of said alderman or justice of the peace upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant

Police force

Powers of

Officers to suppress disorderly conduct and assemblages

May arrest without warrant

Penalty

Alderman, duty of

OF CITIES AND TOWNS.

to the said police or constable, commanding him to bring any such person or persons so offending as aforesaid, before him for trial. That the said lock up or jail shall be in charge of the town police, whose duty it shall be to provide for the maintenance of such persons as may from time to time be confined therein, the expenses to be defrayed by the collector and treasurer of the town, upon a warrant drawn upon him by the council, for that purpose. They shall also have power to appoint a supervisor of streets, whose duty it shall be to attend to the repairs of the streets, lanes, alleys, bridges and gutters of the town, subject to the control and direction of the town council. He shall receive such compensation for his services as the town council may deem just and proper.

Lock up to be
in charge of
police

Supervisor of
streets

Compensation

Section 16. And be it further enacted as aforesaid, that it shall be the duty of said president, councilmen, alderman, police or justice of the peace, to suppress, extinguish and prevent all bonfires in any of the streets, lanes, or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fire works or making or throwing fire balls within the limits of said town, and the said council may enact and publish ordinances, with reasonable penalties for preventing the same and punishing persons guilty of their violations. Any fine imposed by any such ordinance may be collected before the said alderman or justice of the peace of said town, and in default of payment, the said alderman or justice of the peace may commit for any time not more than ten days. All fines and forfeitures recovered under the provisions of this act by the alderman or justice of the peace, as aforesaid, shall be paid over to the collector and treasurer for the use of the town. If any constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the said council to present him to the grand jury, and upon conviction, he shall in addition to the punishment imposed by the court, forfeit his office.

Officers to sup-
press bonfires,
bring guns, &c.

Fines, to whom
paid

Penalty for
neglect of
constable

Town may
negotiate loans

Section 17. And be it further enacted as aforesaid, that it shall be lawful for the town council of Milford, elected or hereafter to be elected, to negotiate a loan or loans bearing

OF CITIES AND TOWNS.

interest at a rate not exceeding five per centum per annum, and pledge the faith of said town for the payment thereof, to be expended for the purpose of repairing the public streets in said town, in such manner as to them shall seem most proper and advisable, or for such other purposes as they may deem for the best interest and welfare of the town. The said town council may negotiate said loan or loans in such sum or sums, and at such time or times, as shall to them appear expedient, and may execute under their hands and seals as such council a bond or bonds for the payment of every sum by them borrowed under the provisions of this act. Provided, always, that the indebtedness of the town at any time shall not exceed a sum equal to eight per cent of the assessed value of the real estate within said town.

Money, how to be used

Proviso: Limit of sum borrowed

Section 18. And be it further enacted as aforesaid, that it shall be the duty of the alderman for the time being and he is required to appoint annually in the month of November two competent and suitable persons, who shall be residents and taxables of said town of Milford, auditors of the accounts of the councilmen of said town of Milford, whose duty it shall be to examine all the accounts of the collector and treasurer and of said councilmen for the current year and to audit the same. The said auditors shall on or before the fifth day of January next ensuing their appointment publish a report of said accounts so examined and audited, in the newspapers published in said town of Milford. The said auditors for the purpose aforesaid, shall have access to all the records belonging to said town council of the town of Milford.

Auditor's appointment of

Report of auditors to be published

Section 19. And be it further enacted as aforesaid, that no circus, menagerie, theatrical or minstrel company or any such exhibition of any kind shall be exhibited, "or bills posted therefor or parade thereof on any of the streets, alleys or lanes of said town; nor shall any person, firm, company or corporation open, set up, or attempt to open, or set up any bucket shop, racket shop or pool or billiard room or any other room, store or shop or device, machine or apparatus within or without any building, for the purpose of amusement for which a charge for profit is made, direct or indirect; or any temporary place of business for the purpose of selling or offering for sale any goods, wares, merchandise

License necessary for certain avocations

OF CITIES AND TOWNS.

or articles of any kind within the limits of the town of Milford, without having first obtained permission of the town council, who shall hereby have power to grant license for that purpose, the charge for the same to be at their discretion. Provided, that the foregoing shall not apply to the

Proviso:

Town may designate location for certain hawkers and peddlers and grant license

theatricals or other entertainments, gotten up by citizens of the town. And the said town council shall further have

power to designate the location of wagons for peddlers of beef or other fresh meats, fish, oysters or vegetables, and to grant licenses for the same for such sum and for such length of time, as said council may deem proper, and that such peddlers shall be protected in and have exclusive use of the location for which such license has been paid, and during its

Proviso:

continuance. Provided, further, that nothing herein shall be construed to prevent farmers, truckers or other persons from selling such articles as are of their own production, or to prevent persons driving through the streets and selling beef, or other fresh meats, fish, oysters and vegetables. And that the said town council shall not have the power to license any peddler aforesaid, or grant a stand before any place of business or where such stand or wagon will interfere with the convenience of public travel. Any circus, menagerie, theatrical or minstrel company or exhibition of any kind except as aforesaid, or any peddler of beef, or any fresh meats, fish, oysters and vegetables except as hereinbefore provided, who shall violate the provisions of this act, shall forfeit and pay a fine not exceeding the sum of twenty-five dollars, at the discretion of the council, and for the use of the town.

Penalty for violation of provisions of this act

Exemption from taxation of certain factories

Section 20. And be it further enacted as aforesaid, that if any person or persons shall hereafter erect or set up a plant for the purpose of manufacturing therein, within the limits of said town, the town council shall have power to remit all taxes that may be levied or imposed on said plant for town purposes for a period not exceeding ten years, but such remission of taxes as aforesaid shall be at the discretion of the council.

Council may grant upon application permit to erect buildings for certain purposes

Section 21. And be it further enacted as aforesaid, should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said town for the purpose of conducting therein the business of

OF CITIES AND TOWNS.

canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphates, fertilizers or manures of any kind, he or they before erecting such building or buildings, or engaging in such business, shall make an application in writing for permission therefor to said town council. And should said council determine that such buildings will not endanger the other property of the town and said business will not jeopardize the health of or be offensive to the citizens thereof, the council shall have authority to grant a permit to erect such buildings and conduct such business. And no house, building or other structure of any kind shall hereafter be erected or rebuilt within the corporate limits of said town unless and until the permit of said council so to do shall first have been obtained. Any violation of the provisions of this Section shall subject the offender to the same penalties, recovered in the same manner, as prescribed in Section 11 of this act relative to nuisances.

Section 22. And be it further enacted as aforesaid, that the town council shall appoint in the month of March of every year three good and substantial citizens, one of whom shall be a practicing physician, who shall constitute a Board of Health for said town and who shall serve for one year, and whose duty shall be to have cognizance of the interests of health and life among the people of said town and to report to the town council in writing whatever in their judgment is injurious to the health, or that shall contribute to useful sanitary information. The said board shall have all the powers vested by the laws of this State, now or hereafter enacted, in boards of health generally, as also such additional powers as may be conferred by ordinances adopted by the town council of the town of Milford. Said board shall organize by the election of a president and secretary within ten days after notice of their appointment, and said board shall keep a record of their proceedings and acts as a board. For so doing the secretary of said board shall be allowed a reasonable compensation for his services, to be determined by the town council.

Section 23. And be it further enacted as aforesaid, that hereafter it shall be lawful for the town council of the town of Milford to make and allow a discount of three per centum

OF CITIES AND TOWNS.

or articles of any kind within the limits of the town of Milford, without having first obtained permission of the town council, who shall hereby have power to grant license for that purpose, the charge for the same to be at their discretion. Provided, that the foregoing shall not apply to the theatricals or other entertainments, gotten up by citizens of the town. And the said town council shall further have

Proviso:

Town may designate location for certain hawkers and peddlers and grant license

power to designate the location of wagons for peddlers of beef or other fresh meats, fish, oysters or vegetables, and to grant licenses for the same for such sum and for such length of time, as said council may deem proper, and that such peddlers shall be protected in and have exclusive use of the location for which such license has been paid, and during its continuance. Provided, further, that nothing herein shall be construed to prevent farmers, truckers or other persons from selling such articles as are of their own production, or to prevent persons driving through the streets and selling beef, or other fresh meats, fish, oysters and vegetables. And that the said town council shall not have the power to license any peddler aforesaid, or grant a stand before any place of business or where such stand or wagon will interfere with the convenience of public travel. Any circus, menagerie, theatrical or minstrel company or exhibition of any kind except as aforesaid, or any peddler of beef, or any fresh meats, fish, oysters and vegetables except as hereinbefore provided, who shall violate the provisions of this act, shall forfeit and pay a fine not exceeding the sum of twenty-five dollars, at the discretion of the council, and for the use of the town.

Proviso:

Penalty for violation of provisions of this act

Section 20. And be it further enacted as aforesaid, that if any person or persons shall hereafter erect or set up a plant for the purpose of manufacturing therein, within the limits of said town, the town council shall have power to remit all taxes that may be levied or imposed on said plant for town purposes for a period not exceeding ten years, but such remission of taxes as aforesaid shall be at the discretion of the council.

Exemption from taxation of certain factories

Section 21. And be it further enacted as aforesaid, should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said town for the purpose of conducting therein the business of

Council may grant upon application permit to erect buildings for certain purposes

OF CITIES AND TOWNS.

canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphates, fertilizers or manures of any kind, he or they before erecting such building or buildings, or engaging in such business, shall make an application in writing for permission therefor to said town council. And should said council determine that such buildings will not endanger the other property of the town and said business will not jeopardize the health of or be offensive to the citizens thereof, the council shall have authority to grant a permit to erect such buildings and conduct such business. And no house, building or other structure of any kind shall hereafter be erected or rebuilt within the corporate limits of said town unless and until the permit of said council so to do shall first have been obtained. Any violation of the provisions of this Section shall subject the offender to the same penalties, recovered in the same manner, as prescribed in Section 11 of this act relative to nuisances.

Section 22. And be it further enacted as aforesaid, that the town council shall appoint in the month of March of every year three good and substantial citizens, one of whom shall be a practicing physician, who shall constitute a Board of Health for said town and who shall serve for one year, and whose duty shall be to have cognizance of the interests of health and life among the people of said town and to report to the town council in writing whatever in their judgment is injurious to the health, or that shall contribute to useful sanitary information. The said board shall have all the powers vested by the laws of this State, now or hereafter enacted, in boards of health generally, as also such additional powers as may be conferred by ordinances adopted by the town council of the town of Milford. Said board shall organize by the election of a president and secretary within ten days after notice of their appointment, and said board shall keep a record of their proceedings and acts as a board. For so doing the secretary of said board shall be allowed a reasonable compensation for his services, to be determined by the town council.

Section 23. And be it further enacted as aforesaid, that hereafter it shall be lawful for the town council of the town of Milford to make and allow a discount of three per centum

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upon all taxes assessed upon the taxables of said town for the prompt payment of said taxes on or before the first day of June of the year for which such taxes are or may hereafter be assessed, and to make and add a penalty of five per centum upon all taxes assessed upon the taxables of said town which have not been paid on or before the first day of November of the year for which such taxes are or may hereafter be assessed and it shall be the duty of the collector of taxes for said town to report to the town council of said town, at its first meeting next after the first day of June in each year, a list of all the taxables of said town who have paid their taxes before said day with the amount of each tax assessed and the amount thereof so paid as aforesaid on or before said first day of June by said taxables set opposite their names respectively in separate columns, and the said collector at the first meeting of the said council after the first day of November in each year, shall furnish said council with a similar list of the taxables who have not paid their taxes on or before the said first day of November.

Chap. 161, Vol.
18 repealed

Exempting
certain acts

Saving ordi-
nances now in
force

Section 24. And be it further enacted as aforesaid, that the act entitled "An Act to Re-incorporate the town of Milford" passed at Dover February 28, 1887 (being Chapter 161 of Volume 18 of the Laws of Delaware) and all acts amendatory thereto, and all other acts and parts of acts inconsistent with the provisions of this present act are hereby repealed; expressly exempting and excepting however, from any repeal the act entitled "An Act to allow the Town Council of Milford to Issue Bonds for certain Purposes" (being Chapter 232 of Volume 18 of the Laws of Delaware) passed at Dover March 31, 1891; and also the act entitled "An Act authorizing the Town Council of Milford to borrow twenty thousand dollars for Street and Sewer Improvements" (being Chapter 428, Volume 22 of the Laws of Delaware) approved March 31, A. D. 1903, and all acts amendatory to or supplementary of the said acts hereby exempted or repealed or any of them. And further saving and excepting from repeal all ordinances of the town of Milford heretofore enacted or adopted, and now in force in pursuance of any law of this State.

That all the acts and doings of the council of said town,

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or of any officers of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the council of said town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said town of Milford, and all debts due from said town of Milford to any person or persons, or to any corporation, are declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof, shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid. That the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and that all proceedings, heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town under any law or ordinances shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 25. And be it further enacted as aforesaid that this act shall be deemed and taken to be a public act.

Approved March 9, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 211.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to allow the Town Council of Milford to issue Bonds for Certain Purposes", being Chapter 232 of Volume 19 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring) as follows :

Chap 232, Vol
19 amended

Section 1. That Chapter 232 of Volume 19 of the Laws of Delaware, being an Act entitled "An Act to allow the Town Council of Milford to issue Bonds for certain purposes", passed at Dover March 31, 1891, as the same has heretofore been amended, be and the same is hereby amended as set forth in the following sections:

Relating to
elections

Section 2. That the Act aforesaid be amended by striking out of the ninth line of Section 4 thereof the following words, "of the freeholders and ground rent lease holders residents of the", and by striking out of the tenth line of said section the words "said town of Milford."

Qualification
of electors

Section 3. That the Act aforesaid be further amended by striking out all of Section 4 thereof between the word "years" in the eighteenth line of said section and the word "shall" in the twentieth line of said section and by inserting in lieu thereof the following: "at said election every person who had a right to vote at the then next preceding regular town election of said town of Milford."

Section 4. That the Act aforesaid be further amended by striking out all of Section 6 thereof as the same has been heretofore amended, after the word "however" in the eighteenth line of said section and by inserting in lieu thereof the following,—

Council to pay
certain sum
annually for
street lighting
and fire
protection

"That for the purpose of street illumination the town council shall pay annually to the light and water commissioners the sum of fifteen hundred dollars, and for fire pro-

OF CITIES AND TOWNS.

tection a further sum of one thousand dollars annually; provided however, in case more than one hundred and twenty-five sixteen candle power lamps shall be used for street illumination, the said council shall pay the commissioners aforesaid an additional sum of twelve dollars per year for each of such additional sixteen candle power lamps, and in case more than sixty fire hydrants shall be used for fire protection, the said council shall pay the commissioners aforesaid an additional sum of fifteen dollars per year for each such additional fire hydrant. Payments for street illumination and fire protection as aforesaid shall be made the first day of every month out of the general funds of the town."

Proviso:

When sums
may be
exceeded

Approved March 14, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 212.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to Reincorporate the Town of Bridgeville".

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Chap 183, Vol
23 amended

Section 1. That Section 1 of Chapter 183, Volume 23, Laws of Delaware aforesaid be and the same is hereby amended by inserting after the word "vote" and before the word "the" in the twenty-fifth line thereof the following: "Provided, that he shall have paid all taxes heretofore levied and assessed against him and producing a tax receipt for the same when demanded by any person entitled to vote at said election."

Qualification
of electors

Limit of sum
to be used by
taxation

Section 2. That Section 5 of said Chapter 183, Volume 23, Laws of Delaware aforesaid, be and the same is hereby amended by striking out the numerals "\$900" in the thirteenth line and inserting in lieu thereof "\$1200".

Subjects of
taxation

That Section 5 of said Chapter 183, Volume 23, Laws of Delaware aforesaid be and the same is hereby further amended by inserting after the word "town" and before the word "provided" in the twelfth line thereof, the following "and upon all telephone, telegraph, electric light or trolley poles within the corporate limits of said town."

Notice in
opening new
streets

Section 3. That Section 6 of said Chapter 183, Volume 23, Laws of Delaware aforesaid be and the same is hereby amended by inserting after the word "street" and before the word "and" in the second line thereof, the following "or widen any old street".

Section 4. That all Acts and parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 14, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 213.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 186, Volume 23, of the Laws of Delaware, entitled "An Act to Incorporate the Town of Ellendale, (by Increasing and Defining the Powers of the Collector of Town Taxes).

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Section 1. That Chapter 186, as aforesaid be and the same is hereby amended by inserting after the word "taxes" in line forty-three of Section 5 of said Act, the words "and also all the powers which are given by law to the Collector of school rates and levies for Sussex County." Chap. 186, Vol. 23 amended relative to powers of collector

Section 2. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved March 4, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 214.

OF CITIES AND TOWNS.

AN ACT to Reincorporate the Town of Laurel.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House thereof, concurring):

TOWN AND WARD LIMITS.

Limits

Section 1. That the limits of the Town of Laurel be, and they are hereby declared to be, as follows:—

Beginning at a stone set in the Southerly bank of Laurel River, back of the lot of land owned by Raymond Jones, thence running in an Easterly direction, with the Southerly bank of Laurel River, and following the course thereof, to the Mill Dam on the Northerly side of the Flour Mill of William T. Ricords and Son; thence in a Southerly direction to the Southerly side of Adams Lake and following along the Southerly side thereof, to a stone set in the land of Sallie Fooks; thence in a direct line, South twelve and one-quarter degrees West, two hundred and eight rods, to a stone set in the land of the heirs of William W. Dashiell, deceased; thence North, eighty-three and one-half degrees West, three hundred and forty-five and six-tenths rods, to a stone set in the land of Thomas H. Riggin; thence North, seventeen degrees East, one hundred and seventy-two rods, to the Southerly bank of Laurel River, and place of Beginning,—The same having been previously surveyed and plotted and recorded in the Recorder's Office, in and for Sussex County. The original and record, or a certified copy of the survey and plot, aforesaid, including therein the location of the streets, alleys, lanes and sidewalks of the Town of Laurel, shall be evidence in all Courts of Law and Equity in the State. The Council of the Town may at any time hereafter, cause a re-survey and plot to be made of the said Town, and the said plot, when so made and approved by the said Council, shall be

Plot made evidence

Council may resurvey

OF CITIES AND TOWNS.

recorded in the Recorder's Office aforesaid, and the original and record, or a certified copy thereof shall be evidence.

Section 2. The said Town of Laurel shall be divided into three Wards, as follows: Division of town into wards

The First Ward shall consist of all that part of said Town lying and being within the following boundary lines, to-wit: Beginning at the intersection of the Southerly bank of Laurel River and the centre line of Central Avenue thence Southerly with the centre line of Central Avenue, as extended in a straight line, to the Southerly boundary line or corporate limits of the Town as defined in Section One of this Act,—being also a point on the land of the heirs of William W. Dashiell, deceased; thence with the said corporate limits, Easterly, Northerly and Westerly to the place of Beginning.

The Second Ward shall consist of all that part of the said Town lying and being within the following boundary lines, to wit;—Beginning at the intersection of the Southerly bank of Laurel River and the centre line of Central Avenue; thence Southerly, with the centre line of Central Avenue, to a point where the same intersects with the centre line of Sixth Street; thence Westerly, with the centre line of Sixth Street, to a point in the Westerly boundary line or corporate limits of the Town, as defined in Section One of this Act, thence following the course of said boundary line, in a Northerly direction, to the Southerly bank of Laurel River and thence therewith, Easterly to the place of Beginning.

The Third Ward shall consist of all that part of the said Town lying and being within the following boundary lines, to wit;—Beginning at the intersection of the centre line of Central Avenue and the centre line of Sixth Street; thence Southerly with said centre line of said Central Avenue, as extended in a straight line, to a point in the Southerly boundary line or corporate limits of the Town, as defined in Section One of this Act,—being also a point in the land of the heirs of William W. Dashiell, deceased; thence in a South-westerly direction, following the course of said boundary line, to a stone set in the land of the heirs of Thomas H. Riggin; thence North, eighty-three and one-half

OF CITIES AND TOWNS.

degrees West, following the course of the Westerly boundary line of the Town, to the centre line of Sixth Street aforesaid, and thence Easterly with the centre line of Sixth Street, aforesaid, to the place of Beginning.

CORPORATE POWERS.

Incorporation,
powers, name,
&c.

Section 3. The inhabitants of the said Town of Laurel are hereby constituted and continued a corporation or body politic by the name and style of "Mayor and Council of Laurel" with power to govern themselves by such ordinances, resolutions, rules and regulations for municipal purposes as they may deem proper, not to conflict with this Act, nor with the constitution and laws of this State or of the United States.

The said corporation shall be vested with all the powers, rights, privileges, franchises and immunities heretofore belonging to "The Town of Laurel" as a municipal corporation and generally shall have all the privileges and franchises incident to a corporation or body politic.

Ordinances, &c.
to continue in
force

All ordinances, resolutions, rules and regulations for municipal purposes now in force within said Town not inconsistent with or modified or repealed by the provisions of this Act, shall continue in force until repealed, rescinded or changed by proper authority; and so far as the same may be legally applicable, such laws, ordinances, resolutions and regulations are hereby extended and applied to the territory comprised within the boundaries of said Town as described and set forth in Section One of this Act.

Annual appropriation by
Levy Court

Section 4. That the Levy Court of Sussex County be and they are hereby directed, in making the appropriation for the sum of the road tax to be paid to the overseers of roads annually, to make an order for the payment to the "Mayor and Council of Laurel" of the sum of Six Hundred Dollars, to be by them expended in repairing and maintaining in proper order the roads, streets, lanes, alleys, bridges and squares within the limits of said Town; and the said "Mayor and Council of Laurel" shall have the sole supervision of said roads, streets, lanes, alleys, bridges, and squares, provided that the said Levy Court shall not make the appropriation

OF CITIES AND TOWNS.

of said sum until the "Mayor and Council of Laurel" shall have certified that the said sum has been expended during the preceding year for the purposes aforesaid. Statement to Levy Court

Section 5. The said Corporation shall have power to annex any contiguous territory upon the petition of three-fourths of the freeholders of such contiguous territory, and extend and apply to such contiguous territory, all laws, ordinances, resolutions, rules and regulations in force within said Town so far as the same may be legally applicable. Empowered to extend limits of town

Before any contiguous territory shall be so annexed to said Town, Council shall pass a resolution describing and defining accurately, the territory proposed to be annexed and shall give notice that the petition for such annexation has been presented, by causing said resolution to be published in one newspaper in said Town not less than twice: and within sixty days thereafter, if sufficient cause to the contrary be not shown to the Council, it may by ordinance, two-thirds of all the members agreeing therein, annex to said Town, the territory described and defined in the resolution and such territory shall thereupon become part of said Town and part of the adjoining ward or wards thereof. Procedure of annexation of territory

Section 6. The corporation shall also have power:

(1) To make and use a corporate seal and to break, alter and renew the same at pleasure. Powers, general and special

(2) To sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity or any other place whatsoever:

(3) To have, take, purchase, receive, possess, enjoy and retain by lawful means to it and its successors within said Town or beyond the limits thereof, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever necessary for municipal purposes and the same to sell, grant, demise, alien or dispose of at pleasure: May acquire property for municipal purposes and dispose of same

(4) To receive, devise, bequests and donations of all kinds of property within said Town and beyond the limits thereof, for its own use and benefit or in trust for charitable, benevolent, educational or other public purposes and to do all Acts May acquire property for other purposes

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necessary to carry out the purposes of such devises, bequests, gifts and donations:

Respecting
public build-
ings

(5) To acquire or erect and maintain public buildings, libraries, hospitals, asylums and reformatory institutions and to regulate and control the management of the same.

Respecting
charitable
appropriation

(6) To appropriate annually under proper regulations and conditions, a sum of money to aid in the relief and care of sick, infirm, and deceased persons, residents of said Town:

Respecting
public parks &c

(7) To lay out, establish, maintain or vacate public parks and squares; to lay out, open and reopen, grade, extend, widen, improve or vacate, curb and recurb, pave and repave streets and alleys, side walks, crossings and other highways; to construct, keep in repair or vacate bridges and viaducts; to construct, cleanse, maintain or vacate sewers, drains, gutters and other works for the disposition of drainage and sewage of said Town: to regulate and control the use of such parks, squares, streets, alleys, sidewalks, crossings and other highways, bridges and viaducts, sewers, drains, gutters and other works for the disposition of sewage and the drainage of said Town: the jurisdiction and control over the squares, streets and alleys, sidewalks, crossings and other highways to extend from building line to building line, provided that nothing contained in this Act shall be construed to relate to the bridges within said Town under the jurisdiction and control of the Levy Court of Sussex County:

Streets

Sewers, &c.

Respecting
Sewers, &c. out-
side of town
limits

(8) To acquire or construct, cleanse and maintain sewers outside of and within one mile of said town; to acquire and control, cleanse, keep open, clear and unobstructed or confine, wall up and cover over, alter and change the courses or direction of the natural water courses, runs or rivulets outside of and within one mile of said town:

Condemnation
of property

(9) To enter upon and condemn private property required for municipal purposes within said Town or within one mile of its limits and assess the benefits and damages thereof and have the same ascertained, collected and paid in the manner now or hereafter to be prescribed by law for the condemnation of land for municipal purposes in said Town:

(10) To lay out streets and fix the grade thereof on any

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land immediately contiguous to the boundary line of said Town and within one mile thereof: to acquire or construct, cleanse and maintain sewers outside of and within one mile of said Town: to acquire and control, cleanse, keep open, clear and unobstructed or confine, wall up and cover over, alter and change the courses or direction of any of the natural water courses, runs or rivulets outside of and within one mile of said Town: Laying out streets &c outside of town

(11) To prescribe the height, thickness of walls, and the material of all buildings, public or private in said town and the mode of erecting and maintaining the same; to fix the said lines beyond which buildings shall not be erected: to prescribe the extent of steps, porches, cellar doors and other inlets to buildings: to require the owners of public halls and other buildings where deemed necessary, to provide safe and sufficient means of exit and fire-escapes and to regulate the manner in which party walls and partition fences shall be constructed and maintained: Building regulations

(12) To provide for supplying said Town and its inhabitants with water and for the protection of the water to be used, from contamination: to provide for the erection and maintenance of such works as may be necessary or convenient for supplying water and to fix, alter, regulate and control the prices and uses of water so supplied: Water supply

(13) To provide for lighting the streets and all public places in said Town and for supplying the inhabitants thereof with lights: to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying such lights and to fix, alter, regulate and control the price and use of lights so supplied: Town lighting

(14) To fix, alter, readjust, establish and determine the line beyond which no wharf, dock, pier or other obstruction shall be constructed, placed or maintained in the tide-way of the Laurel River and for these purposes, the officers of said corporation shall have power and authority to enter upon any lands adjacent to said river and there fix and establish such land-marks as may be necessary: Wharf lines &c

(15) To provide for the acquisition, construction and maintenance and to authorize, regulate and control the con- Wharf construction

OF CITIES AND TOWNS.

struction and maintenance of all such works as may be required for the accommodation of commerce including public landing places, wharves, docks and piers and to regulate and control the use thereof: to regulate and control or prohibit the anchorage, moorage and landing of all water crafts and cargoes within said Laurel River: to fix, alter, regulate and control the rates of wharfage and dockage; to regulate and control the use of ships and vessels, tugs and other boats in the said Laurel River and to provide for the maintenance of the same:

Granting
franchise

(16) To grant to persons or corporations in such manner and upon such terms and conditions as it may prescribe franchises and privileges to locate, construct, extend and operate any enterprise in, upon, through or under any public park, square, street, alley, sidewalk, crossing or other highway, bridge, viaduct, sewer, drain, gutter, public landing place, wharf, or pier: provided, that such grant shall be made for a definite period not longer than twenty years and subject to the right to repeal and revoke the same for the abuse, misuse or non-use of the franchises or privileges granted: and further provided that no ordinance granting such franchise or privilege shall be passed unless it shall receive the affirmative unanimous votes of all the members of Council and approval of the Mayor:

License certain
avocations &c.

(17) To license, tax, regulate and control auctions and auctioneers: to license, tax, regulate and control the storage within said Town of gun powder or any other dangerously combustible matter and any explosive oil or compound: to license, tax, regulate and control or prohibit shows, exhibitions, public representations and amusements of every kind within said Town: to grant license or issue permits for any lawful purposes and fix the amount to be paid therefor; to define the purpose for which licenses or permits shall be required and to make and enforce such regulations as may be necessary with respect to the collection of the fees and charges for any license or permit granted and for the collection of any taxes imposed:

Sanitary
regulations

(18) To make and enforce sanitary regulations: to regulate the burial of the dead: to define, abate and remove

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nuisances injurious to the public health or dangerous or intolerable to the inhabitants of said Town; and to prevent the introduction of infectious or contagious diseases for which purposes its jurisdiction shall extend to any distance within one mile of the limits of said Town:

(19) To prohibit the going at large of any horse, dog or other animal except under regulations prescribed by said corporation: to lay and collect fines on the owners or harbors of any horse, dog or other animal found going at large in violation of such regulations and to provide for the registration and taxation of dogs, both male and female in said Town: Strays.

(20) To provide an efficient fire and police force and to make and enforce within said Town, such fire and police and other regulations as are deemed expedient to protect persons and property, maintain the public peace, prevent crime and promote the public morals: Fire and police force

(21) To require the registration of the real estate within said Town in such manner as to show who are the owners thereof and to facilitate the assessment of said real estate: Registration of land owners

(22) To make general assessments of property in said Town and assess and collect taxes, licenses, pole taxes and fines for municipal uses and purposes, provided, that in no year shall the said "Mayor and Council" raise a sum by taxation in excess of three thousand dollars: Assessment and collection of taxes

(23) To require every able bodied male person between the ages of twenty-one and sixty-five years who has resided in said Town five months, to work on the streets, alleys, squares or thoroughfares of said Town, for two days in every year as the year is herein defined and if any person who is liable to render such services, fails to attend as directed, on notice from the Chief of Police or who shall appear and fail or refuse to work or render proper services as by the person or persons supervising the work he is required and instructed to do, shall be guilty of a misdemeanor and on conviction thereof before the Alderman or Justice of the Peace of Sussex County, shall be fined two dollars and shall be adjudged to pay fines and costs and stay committed until fines Respecting enforced employment of certain citizens on town works

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and costs are paid. The year for improving and repairing streets, alleys, squares and thoroughfares of said Town under this Section shall be reckoned from the First day of June inclusive in one year to the First day of June inclusive in the next year. On or about the First day of May in each year beginning with the year 1907, the Town Clerk with the aid of the Council, the Chief of Police and other police, shall make out a list of all persons who on the First day of next June will be liable to render services and as soon as may be reasonably convenient, this list shall be delivered to the Chief of Police and he shall call on each person named therein, to pay the sum of one dollar. Each person who pays the same shall receive a receipt exempting him from service for the current year beginning on the first day of June following. Within five days before the first day of June of each year, commencing in 1907, the Chief of Police shall make a list of the persons who have not paid the exemption fee and from this list the Chief of Police shall from time to time call out persons for service and he shall allow no person to escape from the services. Any person who shall fail to pay when called on by the Chief of Police, may still pay said exemption fee at any time after the first day of June in each year when called upon to perform the services aforesaid but in case he fails as aforesaid, he shall be required to pay an additional fee of twenty-five cents in order to be exempted from said services. The Chief of Police shall make monthly returns to the Town Clerk of the moneys and shall pay over the same to him. The Mayor and Council shall have full power and authority to pass ordinances or resolutions for executing, carrying out and enforcing the provisions hereof and providing systematic arrangements in respect hereto:

Exemption fee
as substitute
for so working

Borrowing
money and
issuing Bonds

Limit of sum
to be so
borrowed

(24) To borrow money for municipal purposes and to issue negotiable bonds therefor which bonds shall be exempted from taxation under any law of this State: but said corporation shall not at any time in any manner or for any purpose except as hereinbefore provided, become indebted or issue bonds to an amount that will in the aggregate, including all indebtedness of every kind and all bonds issued, exceed eight per centum of the assessed value of the real estate within said Town, such value to be ascertained and determined by the last assessment preceding the creation of

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such indebtedness and the issuing of such bonds; provided ^{Proviso:} that no ordinance authorizing the borrowing of money and the issuing of bonds shall be passed, unless it shall receive the affirmative unanimous votes of all the members of the Council and be duly approved by the Mayor: and further provided, that no ordinance passed as aforesaid shall be operative and no money shall be borrowed or bonds issued thereunder unless said ordinance shall be approved by a majority of all the votes of freeholders cast at the Town election, subsequent to the passing of said ordinance or at a special election held pursuant to an ordinance of the Council providing for such election and at which the said ordinance authorizing the borrowing of money and the issuing of bonds, shall be submitted to the qualified freehold voters of said Town; and further provided that, if through calamity or casualty, any public building or public works or any part thereof shall be destroyed or injured beyond the available means or ability of the corporation at the time to replace or repair, said corporation may under authority of an ordinance passed by the affirmative vote of two-thirds of all the members of the Council and duly approved by the Mayor, borrow a temporary loan, a sum to be specified in such ordinance for replacing or repairing the properties or works destroyed or injured or making suitable substitutes therefor, which sum shall be applied to that purpose and to no other and shall be payable, principal and interest, in such time, times and manner as the ordinance shall prescribe:

^{Approval of electors necessary}

^{Proviso: May borrow money to replace public buildings destroyed}

(25) To provide for the payment of the legitimate expenses of the corporation and for the annual payment through the medium of a sinking fund or otherwise, of a portion of its bonded indebtedness now existing or hereafter to be created: ^{Sinking fund :}

(26) To provide for the submission of questions relating to the corporation to the qualified voters of said Town, at any Town election or at any special election held for said purpose pursuant to an ordinance of the Council: to prescribe the manner and form in which said question shall be submitted: and to designate the time and places at which special elections for said purposes shall be held: ^{Referendum}

(27) To make the violation of its ordinances a misde-

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Penalties for
violation of
ordinances

meanor in all proper cases and to prescribe the punishment thereof, by fine or imprisonment or both, provided that such fine shall not exceed one hundred dollars and such imprisonment a term of three months: to carry out the provisions of this article, the keeper of the jail of Sussex County shall be required to receive and keep any and all such persons committed to his custody, under the provisions of this act:

General and
necessary
powers con-
ferred

(28) To exercise all municipal powers necessary to the complete and efficient management of the municipal property for the proper administration of the municipal government and for the well being of the inhabitants of said Town, whether such powers be expressly enumerated herein or not:

Ordinances,
enactment of

(29) To alter, amend and substitute from time to time as necessity may require any of the ordinances of the said Council as may be deemed necessary and proper, provided, that all such alterations, amendments and substitutions shall be published and made public through advertisement in one of the newspapers of said town of Laurel:

Taxation of
public service
corporations
and special
businesses

(30) To levy and impose a tax on all telegraph, telephone and electric light poles erected within the limits of the Town, at a certain price for each and every pole, and also levy a tax or assessment on the business of saloons, restaurants, barber shops, pool rooms, peddlers, teamsters, livery stables, fire and life insurance agents, amusement halls or places of public entertainment and prescribe the time within which such tax or assessment shall be paid, and to enforce its collection.

Council
power of

Veto of Mayor

Terms of

Section 7. The Legislative power of the Corporation shall be vested in the Council, subject to the power of approval or veto by the Mayor as hereinafter provided. Until the first Wednesday in March A. D. 1908, the Council shall consist of five members, three of whom shall constitute a quorum for the transaction of business, but one may adjourn any meeting from day to day. After the first Wednesday of March A. D. 1908, the Council shall consist of three members who shall be residents of and substantial freeholders of the several wards from which they are elected respectively. In no case shall any ward have more than one representative at the same time in the Council after the first Wednesday in March A. D. 1908, when the term of office of George E.

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Smith and John W. King as commissioners of said town, under its present charter, shall expire there shall be no one elected to succeed them but George H. Otwell, John S. Henry and Granville R. Bacon shall be members of the Council of Laurel until the first Tuesday in April 1909, and biennially thereafter there shall be elected three members of the Council of Laurel, one from each of the three wards respectively as before provided in this section. The five Councilmen who are named by this Act shall elect a Mayor to serve for two years.

Section 8. Members of the Council shall be elected by the qualified voters of said Town. Their terms of office shall begin on the first day of April next succeeding their election and shall be for a term of two years. At the first Town election to be held under the provisions of this act and biennially thereafter, one person shall be chosen as a member of the Council by the qualified voters in each of the three wards described and defined in Section Two of this Act. Said members shall be chosen by a plurality of the votes cast. In the month of January 1911, or as soon as practicable thereafter and at intervals of five years from that time, the Council may by ordinance, subject as in other cases to the approval of the Mayor, re-adjust the boundary lines of the several wards so that as nearly as may be feasible each of said wards shall contain an equal number of inhabitants.

Section 9. The Council shall be the judges of the election, returns and qualifications of its members. If two or more candidates for* for membership for Council shall receive an equal number of votes so that there shall not be an election of the required number of the members of Council, those so receiving an equal number of votes shall determine by lot, who among them shall be a member or members of Council but in every such case the question shall be determined before the organization of the Council and the candidate or candidates thus chosen shall be entitled to participate in such organization as fully as if he or they had been chosen at the Town election. The Council shall have power to prescribe by ordinance, the method of determining by lot, who shall be entitled to membership in the Council. If a

* So Enrolled.

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Vacancy, how filled member of Council shall fail to qualify or shall die, resign or be removed from office, the Mayor shall appoint a suitable person who shall be a resident of the ward from which such vacancy exists, to serve until the next regular municipal election at which time his successor shall be chosen.

Council, salary of Section 10. The salary of each member of Council shall be Twelve Dollars per annum.

Meetings of council Section 11. The Council shall meet at 7.30 o'clock P. M. on the first Tuesday of April succeeding the Town election in the Council chamber and thereafter at such times as the Council may appoint or as may be fixed by ordinance; provided that special meetings may be called at any time by the Mayor as hereinafter provided and shall be called in like manner at the request in writing of two members. The object and purposes of any special meeting shall be set forth as called therefor and no other business shall be transacted at such meetings, except by unanimous consent. The Council shall have power to adopt rules for its proceedings and preserve order at its meetings. The meetings of the Council shall be public and the Journal of its proceedings shall be kept by the Town Clerk under its direction. When a special meeting shall be held the call for such meeting shall be set out in full on the Journal. The Council shall at their first meeting select one of their number who shall be President of Council and whose duty it shall be to preside at all meetings.

Special meetings

Meetings public

President

Procedure of passing ordinances Section 12. Every legislative Act of the Council shall be by ordinance. No ordinance shall be passed unless a bill shall have been regularly introduced and have had two readings, one of said readings at a meeting previous to the meeting at which said ordinance shall be passed; nor until full and free discussion shall have been allowed thereon. On the final passage of a bill, the vote shall be taken by yeas and nays and the person voting for and against it shall be entered on the Journal. No ordinance shall be passed without the concurrence of a majority of all the members. Ordinances granting franchises or authorizing the borrowing of money and the issuing of bonds shall not be passed without a unanimous vote of all the members of Council nor within thirty days after its introduction. Every ordinance after it shall

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have passed Council and shall have been enrolled, shall be signed by the President in authentication of its passage.

Ordinances to be signed by president

Section 13. Every ordinance which shall have passed the Council and been duly authenticated by the President, shall within two days thereafter, be presented to the Mayor by the Town Clerk. If the Mayor shall return the ordinance to the Council without his approval the Council shall proceed to reconsider the ordinance. The objections of the Mayor to the ordinance which shall be stated in writing, shall be entered on the Journal. If, after consideration of the ordinance, the Council by unanimous vote shall agree to pass the same, said ordinance shall become an Ordinance of said Town as fully and to all intents and purposes as if the same had been approved by the Mayor, otherwise it shall be wholly inoperative and of no effect. The action of the Council in each case shall be certified to, by the President on the Ordinance. Every Ordinance that shall not be returned to the Council by the Mayor within ten days after the same shall have been presented to him, shall become an ordinance with like effect as if it had been approved by him. No ordinance shall embrace more than one subject and that shall be expressed in its title. All resolutions, rules and regulations passed by Council, except such as relate to its organization and proceedings, shall be subject to the same mode of procedure as applies to Ordinances.

Ordinances presented to Mayor for approval or veto

Passage over Mayor's veto

Ordinance not returned within ten days operative

Ordinance to embrace one subject

Section 14. All Ordinances and all resolutions, rules and regulations passed by the Council shall be preserved by the Town Clerk and recorded at length in a suitable book kept for that purpose. All ordinances of a general or permanent nature and those imposing a fine or penalty shall be published at least twice in a newspaper of general circulation in the Town.

Ordinances, &c to be recorded.

When to be published

Section 15. The Council shall not pass any ordinance exempting any individual from the operation of any general ordinance or municipal regulations. Nor shall it have power to pass any ordinance providing for the expenditure of money in any fiscal year in excess of the amount of taxes, water rents and other ordinary receipts of the corporation for such year, except such sum as may be necessary for replacing or repairing the properties or works of the corpora-

Restrictions on Council

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tion destroyed or injured through calamity or casualty; provided that nothing contained in this section shall be construed to apply to money borrowed on bonds for a specific purpose.

Interest of member to be disclosed and member not to vote

Section 16. A member, who has a personal or private interest in any measure, ordinance or bill proposed or pending before Council, shall publicly disclose the fact to the members and shall not vote thereon; nor, except by permission, take part in the discussion of the same; if such interested member shall vote without publicly disclosing his interest in such measure, ordinance or bill, and the same be carried by his vote such measure or bill shall be void.

Ordinance, when evidence

Section 17. The printed or typewritten copies of the ordinances and resolutions of the Council, whether of a public or private nature, published by authority of the Council shall be admitted as evidences thereof in all Courts and on all occasions; and in pleading it shall not be necessary to recite or draw them out at large.

Supervision of streets &c

Section 18. That the Mayor and Council for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys, squares and gutters in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and to discharge the expenses of repairing the said streets, lanes, alleys, bridges, squares and gutters or for any other purpose that will contribute to the safety, convenience and prosperity of said town.

Opening new streets, when may order

Section 19. That the Mayor and Council for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town by petition to them for that purpose, to locate, lay out and open any new street or streets or reopen old street or streets, which five or more citizens of said town may desire to be located and laid out and opened or reopened, allowing to the persons respectively through or over whose grounds such new street or streets or old street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if

Damages

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any be allowed, shall be paid by the treasurer of the town out of the moneys of said town on warrant drawn on him by the commissioners aforesaid.

Section 20. That whenever the Mayor and Council shall have proceeded to locate and lay out any new street or re-open old street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, or reopening old street, to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said town to notify the holder of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the Mayor and Council as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said Mayor and Council or any one of them. In order to prosecute said appeal such owner or owners shall within ten days after the expiration of the ten days allowed for appeals, apply to any Justice of the Peace residing within said town, who shall within three days thereafter, and upon notice to the said Mayor and Council or any one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of Little Creek Hundred, owning no real estate in said town, and not residing within its limits and the remaining twelve shall be freeholders of said town, owning real estate therein and residing within its limits. The said Mayor and Council shall, upon receiving said notice from the Justice, immediately notify all persons owning real estate on said street and residing in the said town, who have notified them of their intention to appeal, of the time and place when and where the said names shall be selected, and at the time and place mentioned in the notice of

Notice to owner, what to contain

Service of notice

Appeal

Method of choosing freeholders

OF CITIES AND TOWNS.

the Justice, the said appellants or as many of them as choose, and the said Mayor and Council shall attend.

Striking of
names

The appellants, their agent or attorney, shall first strike out one of said names and the Mayor and Council, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders, located as follows, to-wit: Four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the Mayor and Council of their intention to appeal, and their award and assessment shall be final and a copy thereof shall be communicated to all parties, appellants and Mayor and Council. In case either

Award final

When Justice
may strike

side, Mayor and Council or appellants be not represented before the Justice, or shall refuse to strike, the Justice shall strike for the party so absent, neglecting or refusing. Any party appellant or Mayor and Council may within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed upon oath or affirmation to inquire of the necessity of such street, and in case they deem such street to be necessary to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of Twenty Dollars, to be recovered in an action of debt before the Alderman or any Justice of the Peace of Sussex County in the name of the Mayor and Council of Laurel for the use of said Town. The said Justice of the Peace shall have the power to fill any vacancy in the commission. If in case the award of the freeholders shall be

Freeholders,
when to act

Penalty for
refusal to serve
by freeholder

Vacancy, how
filled

New applica-
tion when may
be made

against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the Mayor and Council then acting during the term for which they were elected.

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The Act of a majority of said freeholders shall be as good Act of majority sufficient as the act of the whole in making any such award or assessment of damages.

Section 21. That if on any such appeal the award shall be against the necessity of a street or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the Town. Costs, how paid

But if the freeholders shall affirm the necessity of the street and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That the damage which may be assessed upon the occasion of opening any new street shall be paid out of the funds of the town, or duly tendered, before the property of any person, in whose favor the damages are assessed, shall be appropriated for the opening of any such streets, and in case of any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident, or refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in one of the banking institutions which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day. After the damages shall be fixed and ascertained by the freeholders, the Mayor and Council shall have the option to pay the damages assessed as aforesaid and to proceed with the said improvements, or, upon payment of the cost only, may abandon the proposed improvements. Damages to be paid before taking property When damages may be deposited Council may abandon upon payment of costs

Section 22. The chief executive power of the corporation shall be vested in a Mayor who shall receive an annual salary of Twenty-five dollars until the Council by ordinance shall provide otherwise. Mayor

Section 23. If the Mayor shall be temporarily absent from the Town or temporarily unable to discharge his duties, the office shall be administered by the Alderman; while discharging the duties of Mayor as in this Section provided, the Alderman shall not have the right to exercise the power of appointment or removal of any officer or employee ap- Alderman, when may act as Mayor

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pointed under this Charter, unless the continuous absence or inability of the Mayor to discharge his duties shall extend over a period of more than thirty days; while discharging the duty of Mayor by reason of his temporary absence as in this Section provided, the Alderman shall receive no extra compensation thereof.

Vacancy, how filled

Section 24. In case of a vacancy occurring in the office of Mayor from death, resignation or otherwise, the Town Council chosen at the election at which the Mayor was chosen, shall elect a person to fill the vacancy for the remainder of the term. At such election by Town Council, the person receiving the highest number of votes shall be considered as chosen.

Removal of Mayor

Section 25. The Mayor may be removed from office for any wilful violation of his duties or for the commission of any crime or misdemeanor by the affirmative unanimous vote of the members of Town Council; but only after a full and fair hearing of the charges preferred, on at least six days notice, at which the said Mayor shall be allowed to offer evidence and shall be heard in his own behalf in person or by Counsel.

Mayor may administer oath of office

Section 26. The Mayor shall have power to administer the required oath or affirmation to the members of the Council and to the other officers of the said corporation before entering upon their duties.

Mayor the custodian of seal

Section 27. The Mayor shall have the custody of the seal of the corporation and the sole right of affixing the same. He shall sign all bonds, deeds, contracts and agreements made and entered into by the corporation. He shall also sign all licenses issued pursuant to law or ordinance and shall have power after due hearing had thereon, to revoke any such license.

To sign all town contracts, licenses, &c

May take acknowledgments

Section 28. The Mayor shall have power to take and certify under his hand and the seal of the corporation, acknowledgments of deeds, mortgages, letters of attorney and other instruments of writing and to administer oaths and affirmations.

May call special meetings

Section 29. The Mayor shall have power to call

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special meetings of the Council whenever in his judgment public interest requires such meetings to be held, by giving due notice to the members, of the day and hour and the object and purposes of such meetings.

Section 30. It shall be the duty of the Mayor to communicate to the Council at least once in each year, a statement of the finances and the general condition of the corporation with such information in relation to the same as he may deem useful to the Council or that the Council may require and with recommendation for the adoption of such measures as may seem to him to be expedient and proper.

Annual statement and recommendation

Section 31. The Mayor shall have power to approve or disapprove any ordinance, resolution, rule or regulation, passed by the Council, except such resolutions, rules and regulations as relate to its organization and proceedings, within ten days after the same shall have been presented to him.

Veto power

If he approve, he shall return the ordinance, resolution, rule or regulation duly signed, to the Town Clerk. In case he shall disapprove, he shall state his reasons therefor in writing and return the ordinance, rule or regulation to the Town Clerk.

Section 32. The Mayor shall appoint the Town Clerk, and Assessor, the Alderman, the Water Commissioner, the Chief of Police, Board of Health, the Chief of the Fire Department and two assistants, Harbor Master and the Town Solicitor, and such other officers of the corporation as may be provided for by ordinance of the Council. Said officers when not removed as hereinafter provided, shall hold their office until the expiration of the term of the Mayor by whom they were appointed and thereafter until their successors shall be duly appointed and qualified.

Officers to be appointed by Mayor

Section 33. The Mayor may for any reasonable cause, by and with the consent or upon the address of two thirds of all the members of the Council, remove from the office, any person appointed by him or of any of his predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five days' notice thereof

Removal of officers

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accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing.

Auditors

Section 34. The Mayor shall as often as he may think proper, appoint a committee of not more than three competent persons to examine without notice, the accounts and affairs of any subordinate officer, clerk or employee and the moneys, securities and properties belonging to the corporation in the possession or charge of such subordinate clerk, officer or employee and report to him the result of such examination. The Council shall fix by resolution, the amount of compensation to be paid each member of said committee.

To enforce contracts

Section 35. The Mayor shall see that all contracts and agreements made with the corporation or for its use or benefit are faithfully kept and performed and to this end he shall cause any legal or equitable proceedings to be instituted and prosecuted by the Town Solicitor against all persons or Companies failing to fulfill their agreements with the corporation. It shall be the duty of every officer, clerk or employee of the corporation when it shall come to his knowledge, that any contract with the corporation has been violated, to report the fact to the Mayor forthwith.

**Conservator of peace
Duties as such**

Section 36. The Mayor is hereby constituted a conservator of the peace within said Town and it shall be his duty to cause the laws of the State and the ordinances of the Council to be faithfully executed and enforced. In case of a conflagration, riot, tumult or violent disturbance of the public order, the Mayor shall have, as the exigency in his judgment may require, the right to assume control, for the time being, of the Fire and Police force; but before assuming such control he shall issue his proclamation to that effect. The Mayor is hereby empowered to call on every male inhabitant of the Town, between the ages of eighteen and sixty years, to aid in enforcing the laws of the State and the ordinance of the Council, in preventing and extinguishing fires and preserving the peace and safety of the Town.

Additional duties and powers

Section 37. The Mayor shall perform such other duties and have such other powers as are elsewhere by this act or

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may by ordinance of the Council be imposed upon or granted to him.

TOWN CLERK.

Section 38. On or before the first regular meeting of ^{Appointment} the Town Council in April or as soon thereafter as convenient, the Mayor shall appoint one person, not a member of Council, whose official title shall be "Town Clerk" who, before entering upon his duties shall be required to take oath to support the Constitution of the United States and of the State of Delaware and to perform his duties faithfully. ^{Oath} He shall also give bond to the Mayor in an amount to be fixed by Council which bond shall be recorded in the office ^{Bond} for Recording Deeds of Georgetown. The Council shall pay all expenses relative to the giving of said bond. He shall receive as compensation for his services, an annual salary ^{Salary} of Two Hundred and Fifty Dollars until Council by ordinance shall provide otherwise.

Section 39. He shall collect all the Town taxes hereinafter levied by the Mayor and Council, the water rates and all licenses and receive all fines and other moneys in any wise belonging to the said Town and act as Treasurer for the Town. He shall have full power to enforce payment of all taxes levied by the Council by suit or by sale or otherwise as hereinafter provided and to convey a good and complete title to any real or personal property sold by him for the non-payment of taxes. He shall keep the assessment books with the names of tax payers arranged alphabetically, stating the value of each piece of property, real or personal, assessed, with sufficient description thereof to identify the same. He shall also keep a list of all the citizens of said Town between the ages of twenty-one and sixty-five years who are required to work upon the streets of said Town as provided in Section Five, paragraph twenty-three of this charter and shall be required to deliver said list to the Chief of Police at the time and times hereinbefore provided. He shall keep a full and fair cash account showing the sums of money received by him stating the source from which the same was received and showing all the money paid out by him, to whom and for what purposes. He shall also keep a separate account of all moneys re- ^{Duties} ^{Powers}

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ceived and paid out on account of the Water Department. All books, documents and paper pertaining to his office shall be supplied by the Council and be the property of the Mayor and Council and be kept in the Council room and at all times subject to the examination of the Mayor and Council and any tax payer of said Town.

Duties respect-
ing collector
of taxes

Section 40. It shall be the duty of the Town Clerk during the month of July after the annual levy of taxes, to give notice thereof by advertisement inserted once a week for two successive weeks in one newspaper published in Laurel and to prepare the tax bills of each tax payer and forward the same by mail or deliver the same to the person or corporate institution or to the agent of such person or corporate institution to whom the property included in such bill is assessed, so far as their residence or postoffice address may be known to or ascertained by said Town Clerk, on or before the first day of August next succeeding such levy; and such hand-bills and tax bills shall also contain a clear statement of the discounts to be allowed and the interest to be charged. He shall also keep a set of books containing a list of all persons using the water of said Town and water rates thereof and shall be required to prepare and forward bills of said water rates to said persons on or before the first days of January, April, July and October of each year for the quarter beginning on those dates. He shall be required to prepare and deliver to the Water Commissioner, a list of all persons who have not paid said water rates on or before the last days of such months of such year and the said Water Commissioner may discontinue the water supply of any such person not paying as aforesaid.

Also water
rents

Delinquent
water rent

Keep the
minutes of
council, &c.

Section 41. The said Town Clerk shall attend all meetings of the Council and shall be at the Council rooms on such days and hours as may be provided by ordinance. He shall keep the minutes of such meetings in a book provided by said Council for that purpose and he shall perform such other duties as this charter may provide and the Council may by ordinance or resolution direct.

Alderman

Section 42. The Mayor shall on the first day of his term or as soon thereafter as convenient, appoint some suitable

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person who shall be a qualified voter of the Town of Laurel, as Alderman who may or may not be a Justice of the Peace and who shall hold office for a term of two years or ^{Term} until his successor shall be appointed or chosen, subject however, to removal, as hereinbefore provided.

Section 43. Before entering upon the duty of his office, ^{To be sworn.} he shall be sworn or affirmed by the Mayor to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the govern- ^{Duties and powers} ment of said Town and to carry into effect, all orders and directions of the Town Council made in pursuance of any law of this State of any ordinance that the said Town Council may legally make or establish. He shall have all the powers of a Justice of the Peace within the Town and shall have jurisdiction and cognizance of all breaches of the Peace and other offenses in said Town so far as to arrest and to hold to bail or fine and imprison persons, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the Town Council regularly passed and established for the government of the Town. His fees for any services under this ^{Fees} section shall be the same as those of a Justice of the Peace for like services and for any services or duty for which no fee may be provided by law, the fee may be established by ordinance of the Town Council. In case of vacancy in the ^{Vacancy, how filled} office of Alderman for any reason whatsoever, the Mayor shall appoint a suitable person to said office for the residue of the term. If any Alderman shall be removed from his office as hereinbefore provided, he shall deliver to his suc- ^{Delivery of records &c. to successor} cessor in office, within two days after the appointment of his successor, all the books and papers belonging to his office and shall pay over to the Town Clerk all moneys in his hands, belonging to the Town within five days after his removal. Upon his neglect or failure to pay over to the ^{Penalty for failure to comply with terms of act} Town aforesaid, all moneys belonging to the Town, he shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than twenty-five nor more than one hundred dollars.

The Alderman shall at every monthly meeting, report to ^{Monthly report to council} the Town Council all fines imposed by him during the pre-

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ceding month and pay over to the Town Clerk all such fines and penalties received by him during said time and any default of making such report and payments for a period of Twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, shall be fined not less than twenty-five nor more than one hundred dollars.

WATER COMMISSIONER.

Appointment Section 44. All matter relative to the management and operation of the water works of said Town and the supplying of the inhabitants thereof with water shall be under the direction and control of the Water Commissioner, who shall be appointed by the Mayor and whose term of office shall be coincident with that of the Mayor by whom he is appointed.

Compensation Said Water Commissioner shall receive as compensation, an annual salary of Fifty Dollars until Council by ordinance shall provide otherwise. He shall also give bond to the Mayor in the sum of Five Hundred Dollars.

Duties Section 45. The Water Commissioner shall cause to be made out in proper form before the first days of January, April, July and October in each year, bills for water rents and at such time or times as may be required, bills for other charges of said department and shall place said bills in the hands of the Town Clerk for collection as hereinbefore provided. He shall also countersign all checks drawn by the Town Clerk for moneys paid out on account of the Water Department.

CHIEF OF THE POLICE.

Appointment Section 46. The Mayor shall on the First day of his term or as soon thereafter as convenient, appoint some suitable person as Chief of Police who shall be at the head of the Police Department of said Town. He shall hold office at the pleasure of the Mayor and shall receive such compensation as the Council shall fix. The Mayor shall also appoint such assistants to the said Chief of Police as the Council may by ordinance or resolution authorize.

Compensation These also shall hold office at the pleasure of the Mayor and shall receive such compensation as the Council may fix.

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Section 47. The Chief of Police shall be a Conservator of the Peace within the limits of said Town and shall annually on or before the first day of April of each year submit a report to the Mayor, setting forth the number of arrests made during said preceding year. The Chief of Police shall see that all ordinances are enforced and he, together with such assistants or other policemen as may be appointed, shall have power to arrest any person or persons for the violation of said ordinances wherein an arrest for violation is provided; and in addition thereto they shall perform such other duties as are now or may hereafter be prescribed by the laws relating to said Town and by the ordinances thereof and shall have all of the same powers and functions that Constables of Sussex County now have or may hereafter have as conservators of the peace. ^{Powers and duties}

CHIEF OF THE FIRE DEPARTMENT.

Section 48. The Mayor shall, on the first day of his term or as soon as convenient thereafter, appoint a suitable person, resident of the Town of Laurel, to be Chief of the Fire Department and two other persons, resident as aforesaid, to be assistants to the said Chief. The Chief of the Fire Department shall have charge and control of all fire apparatus belonging to the said Town and shall formulate and put into effect, a system of fire alarms and shall have full charge and control over the Fire Department. He shall also on or before the first day of April of each year, submit a report to the Mayor, setting forth the number of fires during the preceding year and the condition and the efficiency of said Fire Department. They shall hold office for the term of two years or until their successors shall be duly appointed and qualified. ^{Appointment} ^{Powers and duties} ^{Report}

ASSESSMENT AND TAXES.

Section 49. The Mayor and Council shall make their annual levy on or before the regular meeting in May of each and every year. The same shall be due and payable on the first day of July of the year of the levy; and on all taxes paid on or before the first day of July, a discount of three per cent. shall be allowed. From the first day of July to the first day of October following, there shall be no dis- ^{Annual levy of} ^{Taxes, when abatement allowed}

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count. On said first day of October next succeeding the levy thereof, taxes shall be admitted to be in arrears and interest shall be charged and collected on all taxes not then paid from July first previous to the date when they are received and the Town Clerk shall take the discount from or add the interest to the tax bills, regularly, in the manner aforesaid and shall note the same upon his books and upon receipt given for taxes so paid but the discount allowed by this Section shall not be made to any person, persons or corporate institution, unless the whole amount of taxes due by such person, persons or corporate institution for the current year shall be paid at the time of making such discount.

Notice to delinquent taxable

Section 50. Within ten days after the first day of October succeeding each levy, the Town Clerk shall deliver or mail to the last known postoffice address of each delinquent tax payer, the account of his assessment and all taxes and interest due thereon with a notice to said delinquent thereto attached, that unless payment be made in full on or before the first day of January next after the delivery of said notice, that the same will be collected by process of law and it shall be the duty of the Town Clerk to enforce the payment of all taxes remaining unpaid on the first day of January after the delivery of said notice, in the manner hereinafter prescribed by the sale of either real or personal property.

Tax list to be recorded

Section 51. Within thirty days after the annual tax levy shall have been made, the said Town Clerk shall make a true copy of the assessment list of Laurel in books supplied by the Council for that purpose, showing the aggregate assessment of every person, persons or corporate institution as the sums appear on the assessment books of said Town, with the names of said owners arranged alphabetically and the said Town Clerk shall place thereon, all credits and it shall be the further duty of said Town Clerk to enter alphabetically on a ledger, the entire account of each tax payer in one place so that the whole may be seen and easily examined.

Taxes a lien

Section 52. If taxes be due and owing upon real and personal property by any tax payer, the whole of said taxes shall be a lien on said real property and said real property

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may be sold to pay the same without regard to the existence of personal property and the Town Council is hereby authorized and empowered to pass such ordinance regulating the sale of said real property for taxes as aforesaid as to them may seem expedient and necessary.

Section 53. The said Town Clerk shall each week deposit in the Sussex Trust and Safe Deposit Company or the Peoples National Bank of Laurel, all taxes and moneys received or collected by him, (the collections from water rents and privileges in one bank, and the money received from town taxes and other resources of the town in the other bank) to be deposited to the credit of the Mayor and Council of Laurel and he shall receive from the institution in which the particular deposit may be made, a certificate, which certificate he shall deliver to the Council at their next regular meeting and for which said Council shall give to said Town Clerk, a proper receipt or voucher and said money so deposited shall only be drawn from the said institution upon the check of the Town Clerk and countersigned by the Mayor or by the Water Commissioner in payment of debts and accounts due by the Mayor and Council of Laurel, duly approved and passed by said Council and by them ordered to be paid.

Section 54. The Mayor and Council shall within ten days after the regular meeting in May, cause a complete and full transcript of said duplicate to be hung up in a public place in one hotel in said town, there to remain for the space of twenty days thereafter for public inspection; and the said Mayor and Council shall on the Wednesday next after the expiration of the said twenty days, hold a court of appeals, which shall continue open from nine o'clock A. M. until twelve M. and from two o'clock P. M., until five o'clock P. M., of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said Town. The decision of the Mayor and Council upon any appeals shall be final and conclusive. No member of Council shall sit upon

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his own appeal, but the same be heard and determined by the others.

QUALIFICATION AND ELIGIBILITY.

Qualification
and eligibility
of officers

Section 55. The Mayor and the Councilmen shall be residents of and substantial freeholders in said Town. The Alderman, Town Clerk and Water Commissioner shall also be qualified voters of said Town. No person shall be eligible to any office created by this Act, of, under and by virtue of the provisions thereof, who shall be an ordained Clergyman or ordained Minister of the Gospel of any denomination so long as such person shall continue in the exercise of the pastoral or clerical functions. No person shall be eligible to the office of Mayor or any other office created by this Act or by virtue of the provisions thereof, who shall be in arrears to the corporation for any taxes or other indebtedness, or who shall be interested adversely to the corporation in any suit in which the corporation may be interested or who shall be interested in any contract with the corporation either for work to be performed or material to be furnished. No person who shall have been convicted of embezzlement of public money or bribery, perjury or any other infamous crime, shall be eligible or capable of holding any office under the corporation. No person shall hold more than one office under the corporation at the same time except as herein otherwise provided.

Official oaths

Section 56. Every elected and every appointed officer shall, before entering upon the discharge of the duties of his office, subscribe upon oath or affirmation that he possesses the qualifications required by law for his office; that he will support the Constitution of the United States and the Constitution of the State of Delaware; that as an officer of the Town, he will perform the duties of his office with fidelity and according to the best of his ability and will act in accordance with what he shall believe to be the best, for the interests of the Town and its inhabitants.

ELECTIONS.

Biennial elec-
tions, when to
be held

Section 57. The Town Election for all municipal officers to be elected under this Act shall be held biennially

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on the second Tuesday in March and shall be by ballot. Said election shall be held by such officers and in such manner as Council may provide by ordinance or resolution. The poles shall be open between the hours of twelve o'clock noon and four o'clock in the afternoon when the same shall be closed.

Section 58. The manner of nominating candidates shall be as follows; every aspirant for the office of Mayor or some one on his behalf shall at least ten days before the election, file with the Town Clerk, nomination papers for said office in writing signed by at least thirty of the qualified voters of said Town and no signature shall be counted if it shall be upon the nomination papers of more than one candidate for said office, and if it appear more than once on the same paper it shall be counted but once; and in like manner every aspirant for office of Council or some one on his behalf shall at least ten days before the election, file with the Town Clerk, nomination papers for said office, signed by at least fifteen of the qualified voters of the ward from which he is nominated.

Section 59. The Town Clerk shall provide all ballots and ballot-boxes, all registry books, poll books, tally sheets, blanks and stationery of every description and provide all booths and arrangements in the public places, necessary and proper for the conducting of elections and the expense thereof shall be paid by the Mayor and Council of Laurel.

Section 60. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 29, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 215.

OF CITIES AND TOWNS.

AN ACT Authorizing the Town Council of Laurel, Delaware, to Borrow Money to Pay the Floating Debt of said Town.

Whereas, The Town Council of Laurel, Delaware, have a floating debt for the payment of which there is not sufficient money raised by taxation to pay said floating debt and keep up other necessary expenses, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Authorized to borrow

Section 1. That the said Town Council of Laurel, Delaware, be and they are hereby authorized to borrow in the name of the Town Council of Laurel, Delaware, a sum of money not to exceed one thousand dollars.

When loan to mature

Section 2. That the Town Council of Laurel, Delaware, or their successors, shall pay the amount borrowed to pay the floating debt, which is not to exceed one thousand dollars, in two years out of the money raised by taxation, one-half of the amount on the First day of July, 1907, and the other half on the First day of July, 1908.

Approved March 29, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 216.

OF CITIES AND TOWNS.

AN ACT to Incorporate the Town of Bethel.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 1. That William T. Moore, James H. Wright, ^{Commissioners named} John M. C. Moore, Harvey L. Spicer and Jacob M. Gootee, are hereby appointed commissioners, whose duty it shall be, and they or a majority of them are hereby authorized and empowered with the assistance of a skillful surveyor, to be by them chosen to survey and lay down on a plot the ^{Town plot} Town of Bethel, in Sussex County, establishing its limits and making and describing its streets, alleys, lanes and sidewalks, and shall when the service is performed return the plot under their name to the Recorder's Office at Georgetown, ^{Plot, where recorded} to be recorded, and the original and the record or a certified copy thereof shall be evidence. The Commissioners and the surveyor before entering upon their duties under this section shall take an oath or affirmation to discharge ^{Officers to be sworn} them with fidelity and the aforesaid return shall show that this qualification was complied with.

Section 2. That the commissioners hereby appointed ^{Incorporation} and their successors in office to be chosen as hereinafter provided shall be a body politic and corporate in fact and in law by the name of the Commissioners of the Town of ^{Name} Bethel, and may sue and be sued by that name. They shall in addition to the power hereinbefore conferred have ^{Powers} power to regulate the streets, lanes, alleys and sidewalks of said Town and may direct the latter or such part thereof as they may determine to be paved the width of at least five feet, or otherwise improved at the expense of the owner of the ground adjacent; provided however, that there will be no compulsion for anyone to pave his sidewalk for five years from the date of this Act; on complaint of any citizen to ex-

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amine any chimney, stove-pipe fixture or any other matter dangerous to the town, and if adjudged dangerous to require and compel it to be repaired, remedied or removed; to prevent or remove nuisances therein, to prohibit the firing of guns or pistols, the making of bonfires or setting off fireworks or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of boys or other persons within the town, and generally they shall have all the powers which by any law of this State are conferred on the Commissioners of the Town of Dover.

Term of commissioners

Election, when held

Judges of election

Section 3. That the Commissioners herein named shall continue in office until the first Saturday in March, A. D. 1908 or until their successors are duly chosen and qualified. A town election shall be held on the first Saturday in March, A. D. 1908, and on the same date in each and every year thereafter in the said Town of Bethel at the Schoolhouse therein, from the hour of two o'clock, P. M. until the hour of four o'clock, P. M. Any such election may be held by the President of the Town Council or any voter and two citizens chosen by the legally qualified voters present, at the opening of the polls, who shall be judges of said election, and shall decide the legality of the votes offered.

Qualification of electors

They shall receive the ballots, ascertain the results, and certify the same on the book of the Commissioners. At every such election every male taxable of said Town above the age of twenty-one years, and who shall have paid the Town tax last assessed to him, shall be entitled to a vote. There shall be chosen at the first election held under this Act three commissioners to serve for the term of one year, or until their successors have been duly chosen and qualified, and two commissioners to serve for a term of two years, or until their successors have been duly chosen and qualified. At every subsequent annual election the successors to the commissioners whose terms shall have expired shall be chosen to serve for the term of two years, or until their successors have been duly chosen and qualified, and if any vacancy or vacancies shall occur in said Board of Commissioners by death, resignation, refusal to serve, or otherwise, of any members thereof, the remaining Commissioners shall have the power to fill such vacancy or vacancies until the

Vacancies, how filled

OF CITIES AND TOWNS.

ensuing annual election, at which time such vacancy or vacancies shall be filled by election of commissioners to fill out the whole of the unexpired term of the commissioner or commissioners in whose stead they shall be elected. No one shall be *eligible to the office of commissioner unless he has been a resident of said Town for a period of at least one year and is a freeholder therein.

Section 4. That there shall be four stated meeting in every year of the said commissioners, viz: on the second Wednesday in March, June, September and December, at which meeting they may pass all such ordinances or rules for the good government of said Town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps and for all other matters relating to the general welfare of said town as said Commissioners may deem proper, provided the same be not repugnant to the Constitution and laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures and provide for their collection, also the President shall, at the request of two or more Commissioners, call a special meeting of the Commissioners whenever they may deem such meeting necessary, and at such meeting they shall have the right to transact any business that they may have power to transact at regular meetings. The said Commissioners shall, at their first meeting after the election, elect one of their number as President of said Board whose duty it shall be to preside at the meetings of the Board, have the general supervision of all streets in said town, and of the persons who may be employed by the Town Commissioners, receive complaints of nuisances and other complaints of citizens of violation of the laws and ordinances and present the same to the Commissioners at the first stated meeting for action, and violations or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Commissioners.

Section 5. That the Commissioners herein named and

*So Enrolled.

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Assessment of taxes	<p>their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised in said town for that year, not exceeding three hundred dollars including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number.</p>
Limit of amount of tax	
Assessor	
Treasurer and collector	
Assessor, duty of	<p>The collector and treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within the said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning real estate, at least fifty cents per head as tax, provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of said town of Bethel, but all such lots, and pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon shall be assessed and taxed as and for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the Commissioners shall give five days' public notice of the fact, and that they will sit together at a certain place, on a certain day, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment except that of poll which shall always remain at the figures above stated, fifty cents per head. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commission and delin-</p>
What to assess	
Duplicate	
Appeal	
Transcript	

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quencies, which shall be allowed by the Commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law upon collectors of County taxes, provided, however, that in making said assessment for the town of Bethel all machinery in any factory now in said town, or that hereafter may be erected shall be exempt from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

Collector.
power ofExemption
from taxation

Section 6. That the Commissioners or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon order of the Commissioners, or a majority of them, provided that said Commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by said taxation and collect from the county.

Fund, for
what purpose
to be used

Section 7. That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning property affronting upon them, who, and who alone, shall bear the expenses of making the pavements or other improvements where the same shall be ordered. If such ordinance be not complied with within three months the Commissioners may procure the materials and work to be found and done and collect the expense of the same, on ten days' notice by advertisement at three public places in said town, out of the personal or real estate of the person in default situated in said town, the sale may be made by any person whom the Commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid, and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the treasurer for the use of the town, but if there be any surplus, after meeting the claims for which the sale was made, such surplus shall be paid to the person in default.

Paving

Town may
pave, whenCollection of
expenses
thereofSale of
property

Surplus

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The Commissioners shall allow reasonable fees for seizing the property and making sale.

Supervision
of streets

Levy Court to
make appro-
priation

Section 8. That the President and Commissioners for the time being shall have the superintendence and oversight of all roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of such road or street shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than Three Hundred and Fifty Dollars, and shall make an order for the payment thereof to the treasurer of the town of Bethel for the use of said town.

Oath of office

Official bonds

Conditions

Warrant of
attorney

Settlement
with treasurer

Compensation
of officers

Section 9. That the treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the president of the Board of Commissioners. They shall also, before entering upon the duties of their office, give bond to the town of Bethel with sufficient surety to be approved by the Commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlement of their accounts, to which said bonds and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said Commissioners and signed by the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Commissioners annually in the month of March and at such other times as the said Commissioners may require. The treasurer, clerk and assessor of said town, shall each receive a reasonable compensation for their services, to be determined by the Commissioners of said town; provided the compensation of the said treasurer, as such, shall not exceed two per cent on all moneys received by him belonging to said town, and of the

OF CITIES AND TOWNS.

'treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Section 10. That the town Commissioners at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town to be Alderman of the town of Bethel, who may or may not be a Justice of the Peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject, however, to be removed from office at any time by vote of two-thirds of all the members of the Board of Town Commissioners. Before entering upon the duties of his office he shall be sworn, or affirmed, by the president of the Board of Commissioners, or by any one of the Commissioners, to perform the duties of his office honestly, faithfully, and diligently, and all of the provisions of Sections three and four of the Act to incorporate the town of Milton, passed at Dover, March the third A. D. 1881, shall apply to and are hereby extended and applied to said Alderman of the town of Bethel.

Section 11. That the Commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the Commissioners and the same shall be evidence.

Section 12. That the Commissioners shall appoint a town constable.

Section 13. That it shall be the duty of the Alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert or any other social, literary or religious meeting or any entertainment whatsoever, or in the streets, lanes, or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks: and for this purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the Alderman shall sentence any

OF CITIES AND TOWNS.

Fine such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to the County prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the Alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages, or gatherings as aforesaid to issue his warrant to the constable aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person who may be seen on the streets of said town, and take him or them before the Alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him, he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in his section first enumerated.

**Alderman to
issue warrants,
when**

Arrest

Hearing

**May adjourn
hearing**

Fees

If upon view of the person or persons who may be brought before the Alderman of said town for violation of this Section it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this Section. The fee to the Alderman of said town for the trial of any cause under this Section shall be fifty cents, and to the constable making the arrest fifty cents, and in all cases of fees for the Alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to Justices of the Peace and constables in like cases.

Section 14. That this Act shall be deemed and taken to be a Public Act, and shall be printed among the laws of this State.

Approved April 4, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 217.

OF CITIES AND TOWNS.

AN ACT to Incorporate the Town of Millville.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Elisha C Dukes, Gorge H Townsend, ^{Commissioners named} and Thomas R Steele are hereby appointed commissioners, whose duty it shall be, and they, or a majority of them, are hereby authorized and empowered, with the assistance of a skillful surveyor, to be by them chosen, to survey and lay ^{Plot} down on a plot the town of Millville in Sussex County and establish its limits making and describing the streets and sidewalks and shall, when the service is performed, return the plot, under their hands, to the Recorder's Office at ^{To be recorded:} Georgetown, to be recorded, and the original and the record, or a certified copy thereof shall be evidence. The Commissioners and the surveyor, before entering upon their duties under this Section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with.

Section 2. That an election shall be held in Millville, ^{Election, when held} Sussex County, on the first Saturday of March, A. D. 1908, at the place where the general elections are now held, from one o'clock till three in the afternoon, and thereafter on the first Saturday of every March at such time and place as shall be determined and fixed by the town commissioners, due ^{Notice of election} notice whereof shall be given by the said commissioners at least five days before said subsequent election, for an alderman, three commissioners, an assessor and treasurer. The said alderman and commissioners and the assessor and ^{Qualification of officers} treasurer shall be residents of and substantial freeholders in said town. The votes shall be received by State's justice of the peace in said town, and the result of the balloting for said alderman, commissioners, assessor and treasurer shall ^{Judges} be ascertained by himself and two citizens of said town se-

OF CITIES AND TOWNS.

- Qualification of electors** lected by him to assist in holding said election. At such election every male citizen of said town who shall have attained the age of twenty-one years, and is a taxable of said town, shall have the right to vote. The justice of the peace and the two citizens aforesaid shall be judges of the election and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted, and the persons having the highest number of votes, shall be declared duly elected, and shall continue in office one year or until their successors are duly elected. In case of a tie of persons voted for under this act the alderman shall give the casting vote. Immediately after such election, the person or persons under whose superintendence the election is held shall enter in a book to be provided for that purpose, a minute of such elections, containing the names of the persons chosen alderman, commissioners, and assessor, and treasurer, and subscribe the same, and shall give to the alderman, commissioners, assessor, and treasurer elect certificates of their election. The book containing such minutes shall be preserved by the commissioners and shall be evidence.
- Tie vote**
- Minutes of election**
- Certificates of election**
- Incorporation** Section 3. That the commissioners of Millville, to be elected as hereinbefore prescribed, and their successors in office, shall be and they are hereby created a body politic and corporate in law and equity, and the said commissioners of Millville, and their successors, shall be able and capable to sue and be sued, plead, and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State by the corporate name of the "Commissioners of Millville:" and may have and use a common seal with device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient, to purchase, take, hold, receive and enjoy any messuage, land, tenements or hereditaments, in fee simple or otherwise, and also the goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; provided, nevertheless, that there is hereby reserved to the legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town and shall also have the power
- Name and powers**

OF CITIES AND TOWNS.

by ordinances to be passed and published, to license, tax, regulate and control auctions and auctioneers; to license, tax, regulate and control within said town of Millville the storage of gunpowder, of any other dangerously combustible matter and any explosive oils or compounds; to license, tax, regulate and control or prohibit shows, exhibitions, public representations and amusements of every kind within said town; to grant licenses or permits for any lawful purpose and fix the amount to be paid therefor; to define the purposes for which licenses or permits shall be required and to make and enforce such regulations as may be necessary with respect to the collection of the fees and charges for any license or permit granted, and for the collection of any tax imposed.

Section 4. That the person elected as alderman aforesaid of said town shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses within said town, to arrest and hold to bail, or fine and imprison all offenders, and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of the town commissioners, regularly passed and established for the government of the said town; and of and over all neglects, omissions or defaults of the town constable or bailiff, assessor, or treasurer, or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act, or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said alderman shall be the same as are allowed justices of the peace for similar services under the law of this State. It shall be the duty of the alderman to keep a book of record or docket, to be called the "Alderman's Docket of Millville," to be provided by the commissioners aforesaid, in which all his official acts shall be entered; and he shall, upon expiration of his term of office, deliver over to his successor all the books, papers, etc., pertain-

Ordinances

Alderman,
powers and
jurisdiction of

Proviso.

Fees

Alderman's
docketDeliver same
to successor

OF CITIES AND TOWNS.

Vacancy, how filled,

ing to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay, for the use of the said town, the sum of twenty dollars, to be recovered before the succeeding alderman or any justice of the peace residing in said town. If any vacancy shall occur in the office of alderman, commissioner, assessor, or treasurer, of the town of Millville, by death, resignation, removal from office, or otherwise, such vacancy or vacancies may be filled by the commissioners aforesaid, at any meeting thereafter, for the residue of the term.

Official oaths

Section 5. That the alderman, commissioners, assessor and treasurer, aforesaid so elected, shall, before one of the justices of the peace in the said town be duly qualified by oath or affirmation to perform the duties of their offices to the best of their knowledge respectively and without favor or partiality, and after being so qualified the said commissioners, at their first meeting after each election, shall choose a president and a secretary from their numbers, who shall continue during their term of office; and if, by death or otherwise, the place of president or secretary shall become vacant, the commissioners, or a majority of them, at their next meeting thereafter, are hereby authorized to fill said vacancy out of their own numbers as aforesaid. All the commissioners shall act, but the decision of a majority shall govern. The officers so appointed, after being qualified as aforesaid shall have all power in like manner and be subject to all penalties the same as those duly elected to said office or offices.

President
SecretaryPresident,
duties of

That the president of the commissioners of Millville shall preside at all of its meetings, appoint all committees, receive complaints of nuisance, and other complaints of citizens of violation of law and ordinances and to present the same to the commissioners aforesaid at their first meeting for their action. And such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on or before the alderman.

Secretary,
duties of

It shall be the duty of the secretary to record all the proceedings of the said commissioners and keep a correct jour-

OF CITIES AND TOWNS.

nal of the same in a book or books provided for the purpose, and also the papers relative to the said town, all of which are to be carefully preserved and delivered to his successor in office. He shall issue and sign all licenses issued by authority of the Commissioners of Millville as provided for in Secton 3 of this Act; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the commissioners aforesaid.

Section 6. That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys, squares and gutters now open or hereafter to be opened in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund, not to exceed six hundred dollars in any one year, to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in said lands and tenements within the limits of said town; to discharge the expenses of repairing the said streets, lanes, alleys, bridges, squares and gutters or for any other purpose that will contribute to the safety, convenience and prosperity of said town.

That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town by petition to them for that purpose, to locate, lay out and open any new street or streets, or reopen old street or streets, which five or more citizens of said town may desire to be located and laid out and opened or reopened, allowing to the persons respectively through or over whose grounds such new street or streets or old street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town on warrant drawn on him by the commissioners aforesaid.

That the Levy Court of Sussex County be and they are hereby directed, in making the appropriation of the sum of

Supervision of streets

Limit of taxation

Opening new streets

Damages

Levy Court to make appropriation

OF CITIES AND TOWNS.

the road tax to be paid to the overseers of roads annually, to make an order for the payment to the commissioners of Millville of the sum of two hundred dollars, to be by them expended in repairing and maintaining in proper order the roads, streets, lanes, alleys, bridges and squares within the limits of said town; and the said commissioners shall have the sole supervision of said roads, streets, lanes, alleys, bridges and squares, provided that the said levy court shall not make the appropriation of said sum until the commissioners of Millville shall have certified that the said sum has been expended during the preceding year for the purposes aforesaid.

Settlement
with Levy
Court

Notice to own-
er of intent to
take lands

Section 7. That whenever the commissioners shall have proceeded to locate and lay out any new street or reopen old street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, or reopening old street, to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said town to notify the holder of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners or any one of them. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to any justice of the peace residing within said town, who shall, within three days thereafter, and upon notice to the said commissioners or any one of them, select and write down on a list the names of fifteen judicious and impartial freeholders, ten of whom shall be freeholders of Baltimore Hundred, owning no real estate in said town, and not residing within its limits, and the remaining five shall be free-

Appeal

Freeholders,
selection of

OF CITIES AND TOWNS.

holders of said town, owning real estate therein and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street and residing in the said town, who have notified them of their intention to appeal, of the time and place when and where the said names shall be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners shall attend.

The appellants, their agent or attorney, shall first strike ^{Striking names} out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each shall have struck out five; such striking shall be so confined and regulated as to leave five remaining freeholders, located as follows, to wit:—three resident in said town and two residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy ^{Award} thereof shall be communicated to all parties, appellants and commissioners. In case either side, commissioners or appellants be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, ^{Justice, when to strike} neglecting or refusing. Any party appellant or commissioners may, within ten days after the appointment of said freeholders, and upon five days' notice to the other parties resident in said town, or in case of non-residence notice to holders of any real estate, call out the freeholders aforesaid, ^{Freeholders, how called out} who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they deem such street to be necessary to assess the damages of the several owners. Their award shall be made within ^{Award, when made} twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to ^{Penalty for refusal to serve} serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before the alderman or any justice of the peace of Sussex County in the name of the commissioners of Millville for the use of said town. The

OF CITIES AND TOWNS.

Vacancy, how filled said justice of the peace shall have the power to fill any vacancy in the commission. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the term for which they were elected.

Majority controls The act of a majority of said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Costs, how paid Section 8. That if on any such appeal the award shall be against the necessity of the street or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town.

Damages to be paid before taking But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That the damage which may be assessed upon the occasion of opening any new street shall be paid out of the funds of the town, or duly tendered, before the property of any person, in whose favor the damages are assessed, shall be appropriated for the opening of any such streets, and in case of any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident, or refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the Farmers' Bank of the State of Delaware at Georgetown, or any other banking institution which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day. After the damages shall be fixed and ascertained by the freeholders, the commissioners aforesaid shall have the option to pay the damages assessed as aforesaid and to proceed with the said improvements, or, upon payment of the cost only, may abandon the proposed improvements.

Damages, when may be deposited

Town may abandon proceedings

Ordinances, empowered to enact touching

Section 9. That the said commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary, and they are hereby authorized and required to pro-

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OF CITIES AND TOWNS.

vide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend at any distance within one mile of the limits of said town, and cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys, or gutters, on the sidewalk, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed, either upon their own view or upon complaint of any other citizen, in writing, stating the character of said nuisance or obstruction and where the same exists.

Sanitary
measuresObstructions
and nuisances

If the said commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the commissioners of Millville, for the use of the town, in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unremoved and unabated he or she shall forfeit the further sum of ten dollars, to be recovered with costs in the same manner. The commissioners aforesaid may also pass ordinances to protect shade trees planted along any streets, lanes or alleys, or upon any square within the town limits; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open or lay out new ones, subject to the provisions in that behalf herein contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; and to direct the paving and graveling of footpaths and prescribe the width thereof; to regulate and provide for the making of gutters and the placing of gutter-stones or plates therein, and for curbing, wherever in their opinion such paving or graveling, making of gutters and the placing of gutter-stones or

Abatement of
nuisances

Shade trees

Streets

Drainage

Paving

Gutters

OF CITIES AND TOWNS.

plates therein, and curbs, may be necessary and proper; to prescribe the extent of steps, porches, cellar doors, and other inlets to lots and buildings.

Porches, &c

Paving

Section 10. That the commissioners, or a majority of them, be and they are hereby authorized and required, upon the written petition of five or more freeholders, to direct, in writing, the owner or owners of any house or land in Millville before or in front of which they may deem proper that a pavement should be made, to curb and lay a pavement, or either, or both, of brick or smooth stones, of such length and width as the said commissioners may specify.

Town to pave when owner refuses

In the event of any owner neglecting to comply with said notice for the space of three months, the said commissioners may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill, showing the expense of such paving and curbing, or either, or both; if such owner or owners be not resident in the town of Millville, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident of said town of Millville, such bill may be sent by mail to such owner or owners, directed to him or them at the postoffice nearest his or their residence.

Expenses, how recovered

Sale of property

If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same, as aforesaid, then it shall be the duty of said commissioners to issue a warrant, in the name of the commissioners of Millville, under the hand of the president, attested by the secretary of said commissioners, and under the seal of the said corporation, directed to the treasurer of the commissioners of Millville, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the said

Notice of sale

treasurer, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the town of Millville at least ten days before the day of sale, to sell the

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goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill, with all the costs. If no goods and chattels of said owner or owners can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said treasurer, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the town of Millville for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one of the newspapers printed in the said town of Millville, to sell the lands and tenements of such owner or owners in front of which such paving and curbing, or either, or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with costs, and a deed from the treasurer aforesaid shall convey to the purchaser or purchasers of said lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving and curbing, or either, or both, shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the said owner or owners after the completion of the said improvements.

Sale of land

Notice of sale

Title of purchaser

Lien of expenses

From the proceeds of the sale of said goods and chattels, or lands and tenements, sold as aforesaid, it shall be the duty of the treasurer as aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said town the amount of said bill as aforesaid, and the residue thereof, if any, shall be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners.

Surplus, how disposed of

The treasurer aforesaid shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the cost to be paid out of the

Fees

OF CITIES AND TOWNS.

Service of notices

purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in said town it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her place of residence; the provisions hereinbefore contained in this section shall apply to any order made by the commissioners of said town in respect to any pavement, sidewalk, or curb heretofore made or done which the said commissioners may deem insufficient or to need repairing.

Owner in reversion to pay expenses

If any lot or lots, house or houses, on any of the streets of said town of Millville shall be held or owned by any widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots, house or houses, so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be minors at the time of such expense being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same to remain on interest from day of presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this act to be kept up at the expense of the said tenant in dower. The said commissioners of Millville, in addition to the provision of this section hereinbefore contained, shall have power and authority to enforce by ordinance all the requirements of this section by imposing such fines and penalties as shall, in the judgment of such commissioners, be necessary and proper.

When owner a minor

Repairs to be paid by widow

Stated meetings

Section II. That the commissioners of Millville shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any meeting. There shall be twelve stated meetings in every year of the said com-

OF CITIES AND TOWNS.

missioners, to wit: On the first Saturday of each and every month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violation of any of the provisions of this act, or of the ordinances which they may enact in pursuance thereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid may be collected before the alderman of said town or any justice of the peace of said town, and in default of payment, said alderman or justice of the peace may commit for any time not exceeding thirty days.

Section 12. That the commissioners of Millville shall ^{Constables} have power to appoint such number of town constables as shall be deemed necessary as shall constitute the town police, with power to remove any such constables and appoint others if it be deemed necessary.

Section 13. That the commissioners of Millville shall ^{Financial statement} cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in Sussex County. The said commissioners shall be allowed for their attendance at each of said meetings a sum not exceeding one dollar.

Section 14. That it shall be the duty of the constable ^{Alderman and Constable, duties of} or constables aforesaid to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person or persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until such fines and costs shall be paid.

And the said commissioners of Millville shall pay for the board (and commitment fee) of all persons committed to jail for violation of the charter, or by-laws of said town at the same rate as is paid the sheriff of Sussex county by the levy court for board of prisoners.

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Penalty, when
Constable
refuses to per-
form duties

Section 15. That if any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the commissioners aforesaid to present him to the grand jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten or more than one hundred dollars, and may be imprisoned, in the discretion of the court, for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

Assessment

Section 16. That the assessor of the town for the time being shall annually, on or before the first day of April, make a true, just and impartial valuation or assessment of all the real estate within said town, except as hereinbefore excepted, and also an assessment of all the white male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessments of each. The commissioners shall assess the real estate and person of the assessor. The commissioners shall, between the first and fifteenth days of April, cause a complete and full transcript of said duplicate to be hung up in a public place in said town, there to remain for the space of twenty days thereafter for public inspection; and the said commissioners shall on the Wednesday next after the expiration of the said twenty days, hold a court of appeals, which shall continue open from two o'clock p. m., until five o'clock, p. m., of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the commissioners upon any appeals shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others.

Duplicate

Appeals

Notice of ap-
peal day, &c

After the valuation and assessment shall be examined

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and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed by some judge or justice of the peace, diligently, faithfully, and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor and treasurer aforesaid.

Levy of tax

Assessor to be sworn

Section 17. That the commissioners, after having ascertained the sum necessary to be raised on the said town for the purpose of this act, and having apportioned the same on the assessment and valuation aforesaid shall, yearly, in the month of April, or as soon thereafter as convenient, furnish the treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax on the whole valuation, and the rate per hundred dollars. The list shall be signed by the commissioners, or a majority of them. The treasurer, immediately after receiving the said list shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collector of the county rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of two thousand dollars, to the commissioners of Millville, conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts.

Transcript

Treasurer, powers and duties of

Bond

The said treasurer shall pay all orders drawn on him by the said commissioners, or a majority of them, and shall settle his accounts with the said commissioners annually in the month of February, and as often and at such times as

Treasurer to pay orders

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they, or a majority of them, shall require. The said assessor and treasurer shall each receive a reasonable compensation to be determined by the commissioners.

To suppress
riots, &c

Section 18. That it shall be the duty of the said alderman, commissioners and constable, or any justice of the peace residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes or alleys or squares of said town, or in any house situated therein, after night or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said constable, upon the requisition of the alderman, or any of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said alderman, or any justice of the peace resident in said town, and upon conviction before the said alderman, or justice of the peace, as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person so convicted to pay a fine not exceeding ten dollars and commit the party to the public jail of Sussex county for a period not more than thirty days, or until said fine and costs be paid. It shall be the duty of the said alderman or the justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial. The fees and emoluments of the said town constable shall be the same as a constable of the county for like services, provided, that he shall not serve any civil process, except to carry out the provisions of this act.

Arrest without
warrant

Hearing

Penalty

To suppress
bon-fires, &c

Section 19. That it shall be the duty of the said alderman, commissioners, constable, or justice of the peace, to suppress, extinguish and prevent all bonfires on the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fireworks, or the making or throwing fire-balls within the limits of the said town; and the said commissioners may enact and pub-

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lish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the alderman or justice of the peace within the said town, and in default of payment the said alderman or justice of the peace may commit to the public jail of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace as aforesaid shall be paid over to the treasurer for the use of the said town.

Section 20. That the commissioners of Millville shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of the State or corporations, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Millville only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

Section 21. That this act shall be deemed and taken to be a public act.

Approved April 11, A. D. 1907.

OF CITIES AND TOWNS.

CHAPTER 218.

OF CITIES AND TOWNS.

AN ACT Authorizing the Commissioners of Millville to Borrow Money and Issue Bonds to Secure the Payment thereof for the Purpose of Improving the Streets of the said Town of Millville.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Authorized to
borrow

Section 1. That the Commissioners of Millville be and they are hereby authorized, empowered and directed to borrow, on the credit of the town of Millville, a sum of money not exceeding one thousand dollars (\$1000.00), which shall be applied, appropriated and expended for the purpose of improving the streets of said town of Millville.

To issue bonds

That the said Commissioners of Millville, for the purpose of carrying into effect the provisions of this Act, shall have power and authority and are hereby directed to issue bonds of the town of Millville of such denomination as they shall deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually the first day of July and January respectively in each year, at the Farmers' Bank of the State of Delaware, at Georgetown. The principal of such bonds shall be made payable in ten years from the date of the issue thereof, said Commissioners of Millville reserving the power and authority of redeeming said bonds or any part of them at the expiration of five years from the date of the issue of the same; provided, that if the said Commissioners of Millville elect to redeem any of said bonds at the expiration of five years as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice to that effect published by the said Commissioners of Millville in at least two issues of two newspapers published in Sussex County. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the date of the redemption thereof, and said bonds when paid shall

Term of bonds

Redemption
period

of the redemption thereof, and said bonds when paid shall

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be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any owner or owners of any such bond or bonds shall offer the same for redemption, the Commissioners of Millville may, if they deem it expedient, redeem or pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Town may purchase bonds

Section 2. That the Commissioners of Millville shall direct and effect the preparation and printing of the bonds authorized by this Act and also prescribe the form of said bonds, which shall be signed by the President of the Board of Commissioners and countersigned by the Secretary and shall be sealed with the corporate seal of said Board of Commissioners and be exempt from all state, county and municipal taxation. As the said bonds and coupons thereon, are paid the same shall be cancelled in such manner as the said Board of Commissioners shall direct. And it is further provided that the said Commissioners of Millville shall negotiate the sale and delivery of the same, and the moneys, the proceeds of the sale of said bonds, shall be deposited with the treasurer of said Board of Commissioners for the purpose of carrying into effect the provisions of this Act.

Town to prepare bonds

How executed

Cancellation

Sale of bonds

Section 3. That the Commissioners of Millville are authorized and required to levy upon all assessable real estate and leasehold estates or houses on ground rent in said town, annually, a special tax sufficient to pay all the interest accruing on said bonds, provided that this special tax shall not exceed fifty dollars (\$50.00) in any one year. The said Board of Commissioners of Millville are further authorized and empowered at their discretion to levy a further special tax upon the said real estate and leasehold estates or houses on ground rent in said town, annually, for the purpose of establishing a fund adequate to the redemption, at or before maturity as prescribed in this Act, of all the bonds which may be issued under the provisions of this Act; provided that the amount to be raised for the purpose of establishing said sinking fund for the redemption of said bonds shall not exceed the sum of one hundred dollars in any one year. The special taxes provided for in this Section shall

Provide for payment of interest by taxation

Proviso

Sinking Fund

Proviso

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be collected from the owners of real estate and leasehold estate or houses upon ground rent in the same manner as the other taxes levied by the said Commissioners of Millville are collected. The sinking fund provided for by this Act shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown, or may be invested by the Commissioners of Millville until such time as it may be needed for the redemption of the bonds, on such security as the Commissioners of Millville may by resolution approve of.

Special election
to determine
whether to
bond

Section 4. That before the provisions of this Act shall go into effect the sum or sums of money proposed to be borrowed or raised under this Act shall be submitted to a vote of the freeholders and ground rent leaseholders of the town and be approved by a majority of the votes cast at a special election which the said Commissioners of Millville are hereby authorized to call at such time as they shall deem necessary, but in case the proposal to borrow the aforesaid sum of money shall not be approved by the majority of the votes cast at such special election, the Commissioners of Millville shall, on the application of twenty residents freeholders of said town, call another election, provided four months shall have elapsed since any preceding election for the purpose was held, and at every such election each freeholder and ground rent leaseholder within the town of Millville being a resident thereof shall have a right to cast one vote for every dollar and fractional part of a dollar of tax assessed to him or her respectively; and both male and female shall have a right to vote, in person or by proxy, as they may prefer; Provided, that he or she shall have paid all taxes heretofore levied and assessed against him or her and producing a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election shall be given by the Secretary of said Commissioners of Millville, by public notice, posted in at least ten public places in the town of Millville, at least ten days before the time of such election.

Second election
when called

Qualification
of electors

Faith of town
pledged

Section 5. That the faith of the said town of Millville is hereby pledged for the payment of the bonds authorized to be issued under the Act.

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Section 6. That this shall be deemed and taken to be a public Act and shall be published as such.

Approved March 29, A. D. 1907.

CHAPTER 219.

OF CITIES AND TOWNS.

AN ACT to Amend "An Act to Incorporate the Town of Millsboro," being Chapter 750, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring):

Section 1. Amend Chapter 750, Volume 19, Laws of Delaware, by striking out all of Section 1 and inserting in lieu thereof the following:—

That John J. Perry, Theodore Burton, John Lingo of H. B., Jacob A. Burton and Benjamin F. Jones, are hereby appointed Commissioners, whose duty it shall be, and they or a majority of them are hereby authorized and empowered, with the assistance of a skillful surveyor, to be by them chosen, to survey and lay down on a plot the Town of Millsboro, in Sussex County, and establish its limits and make and describe its streets, and shall, when the service is performed, return the plot, under their hands, to the recorder's office at Georgetown, to be recorded, and the original and the record, or a certified copy thereof, shall be evidence. The Commissioners and the surveyor before entering upon their duties under this section, shall make oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with."

Chapter 750,
Volume 19,
amended

Commissioners
named to make
plot

Plot to be
recorded

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Qualification of
Commissioners

Section 2. That Section 3 of said Chapter 750, Volume 19, Laws of Delaware, be and the same is hereby amended by inserting after the word "and" and before the word "freeholders" in the eighth line thereof the word "substantial."

Qualification of
electors

That said section 3 be and the same is hereby further amended by striking out after the word "paid" in the nineteenth line and before the word "at" in the twenty-third line of said section the words "at said election, each person entitled to vote shall be entitled to one vote for each dollar or fractional part thereof which shall have been paid by them or their wives as town tax on the property so assessed for the year preceding the said election," and insert in lieu thereof the following:—"At such election every male citizen of said town who shall have attained the age of twenty one years, and is a taxable of said town, shall have the right to vote; provided, that he shall have paid all taxes heretofore levied and assessed against him and producing a tax receipt for same when demanded by any person entitled to vote at said election."

Terms of
Commissioners

That said Section 3 be and the same is hereby further amended by striking out the numerals "1894" in the third line thereof and inserting in lieu thereof the numerals "1908". That said Section 3 be and the same is hereby further amended by striking out the numerals "1894" in the twenty-fifth line thereof and inserting in lieu thereof the numerals "1908."

Terms of
Commissioners

That said section 3 be and the same is hereby further amended by striking out after the word "aforesaid" in the twenty-fifth line and before the word "or" in the thirty-first line thereof the words "three of the commissioners to be elected shall serve for the term of one year, or until their successors shall be elected, and two of the Commissioners to be elected shall serve for the term of two years or until their successors shall be elected and at each subsequent annual election the successors of the Commissioners whose terms shall have expired shall be chosen to serve for the term of two years," and insert in lieu thereof "two of the Commissioners to be elected shall serve for a term of one

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year, or until their successors shall be elected, and two of the Commissioners to be elected shall serve for a term of two years, or until their successors shall be elected, and one of the Commissioners to be elected shall serve for a term of three years, or until his successor shall be elected, and at each subsequent annual election the successors of the Commissioners whose terms shall have expired shall be chosen to serve for the term of three years."

Section 3. That section 5 of said Chapter 750, Volume ^{Collector} 19, Laws of Delaware, be and the same is hereby amended by inserting after the word "assessor" and before the word "who" in the seventh line thereof the words "and collector; one person may perform the duties of both offices."

That said section 5 be and the same is hereby further amended by striking out after the word "a" and before the word "treasurer" in the ninth line thereof the words "collector and".

That said section 5 be and the same is hereby further ^{Capitation tax} amended by striking out after the word "number" in the tenth line and before the word "it" in the eleventh line thereof the words "the collector and treasurer may be the same person."

That said section 5 be and the same is hereby further amended by striking out the words "fifty cents" between the words "least" and "per" in the eighteenth line thereof and inserting in lieu thereof the words "one dollar". That said section 5 be and the same is hereby further amended by striking out after the word "stated" in the thirty-sixth line and before the word "per" in the thirty-seventh line thereof the words "fifty cents" and insert in lieu thereof the words "one dollar."

The said section 5 be and the same is hereby further amended by inserting after the word "Tax" and before the word "and" in the sixth line thereof the following "and a tax of one dollar on each and every male dog and of two ^{Dog tax} dollars on each and every female dog."

Approved April 9, A. D. 1907.

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CHAPTER 220.

OF CITIES AND TOWNS.

AN ACT to Re-incorporate the Town of Lewes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Corporate
limits

Section 1. That the limits and bounds of Lewes shall be as follows: Beginning at a point on the Bay shore opposite Canary Creek, thence crossing the beach until it reaches the mouth of Canary Creek, thence following Canary Creek until it intersects a line drawn from Greenhill Light House to a point on the southwest side of Block House Pond and Market Street, thence following said line to northwest side of Market Street, thence following said Market Street until it strikes a division line between the lands of Sarah C. Wright and Eliza Metcalf, thence following said division line to South Street, thence running the same course between the lands of Dr. H. R. Burton and Virginia L. Mustard across King Street to a point in George Robinson's field about five hundred feet from King Street; thence in an easterly direction until it strikes the division line between the lands of Robert Arnell and lands formerly of Dr. David Hall; thence following said course until it strikes a ditch through Miss McIlvaine's land, following said ditch to Lewes Creek; thence following said Creek in a southeasterly direction until it strikes the former corporation line; thence following said line to the Bay shore, thence following the low water mark along said Bay shore to the place of beginning.

Plot

The survey and plot, of record in the office of the Recorder of Deeds at Georgetown, in and for Sussex County, in Deed Book C. C. R., No. 143, Page 11, made and recorded in pursuance of the provisions of Section 1 of Chapter 199 of Volume 22 of the Laws of Delaware, shall be evidence in all courts of law and equity in the State.

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Section 2. That the Mayor, Commissioners, Assessor and Treasurer now in office shall be continued in office for the terms for which they were elected respectively, and shall be invested and clothed with all the rights, duties and powers provided for elsewhere in this Act.

Officials to continue for term elected

That an election shall be held in Lewes, Sussex County, on the first Saturday in January next at the Town Hall or Engine House, from one o'clock to three o'clock in the afternoon, due notice whereof shall be given by the said Commissioners at least five days before said election for a Mayor, two Commissioners, and an Assessor and Treasurer. One Commissioner shall be chosen by the qualified voters of School District No. 14 to serve for a term of two years and until his successor shall be elected; and one Commissioner shall be chosen by the qualified voters of School District No. 112 to serve for a term of two years and until his successor shall be elected; and on the first Saturday of January, A. D. 1909, another election shall be held in Lewes, Sussex County, at the Town Hall or Engine House, from one o'clock to three o'clock in the afternoon, or at such time and place as shall be determined by the Commissioners of Lewes, due notice whereof shall be given by said Commissioners at least five days before said subsequent election for a Mayor, two Commissioners and an Assessor and Treasurer. One of the said Commissioners shall be chosen by the qualified voters of School District No. 15 to serve for a term of two years and until his successor shall be elected; one Commissioner shall be chosen by the qualified voters of School District No. 110 to serve for a term of two years and until his successor shall be elected. And on the first Saturday of January annually thereafter successors to the Commissioners whose term of office shall then expire shall be chosen by the qualified voters of their respective districts to serve for the term of two years and until their successors shall be elected; and successors to the Mayor, Assessor and Treasurer shall be chosen by the qualified voters of all of said districts to serve for the term of one year and until their successors shall be elected. The said Mayor and Commissioners and the Assessor and Treasurer shall be residents of and substantial freeholders in said town. The Mayor, Assessor and Treasurer shall be elected

Annual election

Terms and qualifications of Commissioners

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Eligibility of officers

annually by a plurality of the votes cast at any such town election. The Mayor, Assessor and Treasurer shall be elected from any of the four school districts hereinbefore named, and the eligibility in the cases of said Mayor, Assessor and Treasurer shall be dependent upon their citizenship and freeholdership respectively, and not from the location of their residence in said town.

Mayor a member of Council

The Mayor shall be a member of the said Commissioners of Lewes and President of the same, and be entitled to all the rights, functions, privileges, liberties and vote the same as any of the other four Commissioners hereintofore described. At such annual election the qualified voters of their respective districts shall in like manner elect a member or members of said Commissioners to serve for the unexpired term or terms of any member or members of said Commissioners whose office shall have been rendered vacant, in any manner whatsoever. Each member of said Commissioners shall be, at the time of his election and during his term of office, a resident of the school district for which he is chosen; and his removal from his district during his term shall, ipso facto, vacate his office. In case any Commissioner shall absent himself from any two consecutive stated meetings of said Commissioners for any cause other than the sickness of himself or some member of his family, the said Commissioners, by a majority vote, may declare his office vacant. In the event of a vacancy in the office of Mayor, Commissioner, Assessor or Treasurer, a majority of the Commissioners for the time being shall appoint some freeholder of the town to fill such vacancy until the annual election; and the qualifications and eligibility of said appointed Mayor, Commissioner, Assessor or Treasurer as to residence shall be the same as in the case of an election. The votes of said annual election shall be received by a Justice of the Peace resident in said town or by the Mayor, as the Commissioners shall choose, and the result of the balloting shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election. At such election every bona fide male resident of said town who shall have attained the age of twenty-one years, and who shall have paid all town taxes levied against him within two

Vacancies, how filled**Judges of election****Qualification of electors**

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years prior to said election, shall have the right to vote. The Justice of the Peace or the Mayor and the two citizens aforesaid shall be the Judges of the Election and shall decide upon the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted and the person having the plurality of votes shall be declared elected. In the case of two candidates for the same office being voted for under this Act shall receive the same number of votes, the Justice of the Peace or the Mayor holding such election shall give the casting vote. Immediately after such election the person or persons under whose superintendence the said election is held shall enter in a book to be provided for that purpose a minute of such election, containing the names of the persons chosen Mayor, Commissioners, Assessor and Treasurer and subscribe the same, and shall give to the Mayor, Commissioners, Assessor and Treasurer elect certificates of their election. The vote

The book containing such minutes shall be preserved by the Commissioners and shall be evidence in all courts of law and equity in this State. Minute book

The said Commissioners shall provide for special meetings and shall prescribe the time and place of holding such meetings and the manner of calling the same: Provided that there shall be at least six stated meetings of said Commissioners in every year, to-wit: on the first Monday of each alternate month. Each Commissioner shall be allowed for attendance at each of said stated meetings a sum not exceeding one dollar. Meetings, stated and special

Section 3. That the present Mayor and Commissioners and their successors in office, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State by the corporate name of "Commissioners of Lewes", and may have and use a common seal with device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient; to purchase, take, hold, receive and enjoy any messuage, lands, tenements or hereditaments, Incorporation Name and Powers

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in fee simple or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they shall deem expedient; provided, nevertheless, that there is hereby reserved to the Legislature the power and authority to repeal this Act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

Mayor, powers of

Section 4. That the person elected Mayor as aforesaid, of said town shall have, within the limits of said town, and within the limits of the public lands vested in said town, all the powers, authority, jurisdiction and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses, to arrest and to hold to bail, or to fine and imprison all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of said Commissioners regularly passed, published and established for the government of the said town; and of and over all neglects, omissions or defaults of the Town Constables or Bailiffs, Assessor or Treasurer, or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act or the rules and regulations for the government of the said town by the persons authorized to adopt the same under this Act.

Fees

The fees of said Mayor shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Mayor to keep a book of record or docket, to be called the "Mayor's Docket of Lewes", to be provided by the Commissioners, in which all his official acts shall be entered; and he shall, upon the expiration of his term of office, deliver over to his successor all the books, papers, etc., pertaining to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay, for the use of the said town, the sum of ten dollars, to be recovered before the succeeding Mayor or any Justice of the Peace residing in said town.

Mayor's docket

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Section 5. That the Mayor, Commissioners, Assessor ^{Official oaths} and Treasurer aforesaid so elected, shall, before one of the Justices of the Peace in the said town be duly qualified by oath or affirmation, to perform the duties of their offices respectively to the best of their knowledge and ability and without favor or partiality; and after being so qualified the said Commissioners at their first meeting after each election shall choose a secretary, who may or may not be a member ^{Secretary} of the Board, who shall serve for one year; and if, by death or otherwise, the office of Secretary shall become vacant, the Commissioners, or a majority of them, at their meeting thereafter are hereby authorized to fill the said vacancy.

The person so appointed as Secretary, if not a member of the Board of Commissioners, shall not have the right of a vote in the deliberations of said Board. All the Commissioners shall act, but the decision of a majority shall govern.

The President of the Commissioners of Lewes, the Mayor, ^{President duty of} shall preside at all meetings of said Commissioners, shall appoint all committees, receive complaints of nuisances, and other complaints of citizens of any violation of laws and ordinances, and present the same to the Commissioners for their action.

It shall be the duty of the Secretary to record all the pro- ^{Secretary duty of} ceedings of the said Commissioners of Lewes and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to the said town, all of which are to be carefully preserved and delivered to his successor in office. He shall issue and sign all licenses for every exhibition within the town of Lewes for which by Section 1, Chapter 51, of the Revised Code of 1893, or by the authorized ordinances of the Commissioners, a license is required; he shall sign all warrants on the Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Commissioners.

Section 6. That the said Commissioners of Lewes for the ^{Commissioners, powers of} good government and welfare of said town, shall have power to make, establish, publish and modify, amend or re-

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peal ordinances, rules, regulations and by-laws for the following purposes:

Nuisances

To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural and artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said town and the beach or beach strand or public lands in or contiguous to or vested in said town, and prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys, beach or beach strand; to regulate, clean and keep in repair the streets, highways, avenues, parks, lanes, and alleys, wharves and docks in said town, and to prevent and remove obstructions and incumbrances in and upon all streets, avenues, highways, parks, sidewalks, crosswalks, sewers, drains, aqueducts, water courses, wharves or docks in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, lane or alley in said town, or in digging up any street, avenue, highway, lane or alley for the purpose of laying down pipes, or for any other purposes whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental, shade trees in the streets, avenues, parks and grounds of said town or public lands vested in said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel, or shell the streets, avenues, highways, lanes and alleys of said town, and

**Boundaries
of streets, &c.****Fees****Paving**

OF CITIES AND TOWNS.

the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town or in said public lands, which shall be by said Commissioners deemed dangerous or unwholesome, or necessary to carry out any improvement authorized by this Act, to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any porch, step, platform or bay window, cellar door, gate, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing and immoderate driving or riding in any street, highway or strand, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street, highway or strand; to prevent the driving of any drove or droves of horses, mules, cattle, sheep or swine through any of the streets of the town or over said public lands, on the first day of the week, commonly called Sunday, and to regulate the same at other times; to regulate, protect and improve the public grounds of said town; to provide lamps and to light the streets and public places of every description in said town; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to establish and regulate one or more pounds, and to restrain the running at large of horses, cattle, swine, goats and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from

OF CITIES AND TOWNS.

Nuisances

wagons or other vehicles; to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town or public lands; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances of every kind, at the expense of those maintaining the same and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental in the opinion of the Commissioners or local board of health to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the directions of the Commissioners, as often as the said Commissioners or local board of health may deem necessary for the protection and preservation of the health of the inhabitants of the town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said cost and expenses, to be collected in such manner as the Commissioners may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance. To regulate and control the manner of building or removal of dwelling houses or other buildings and to provide for granting permits for the same; to establish a building line for buildings hereafter to be erected; provided that such building line shall not be established more than twenty feet back from the front line of the lots. To prohibit within certain limits to be from time to time prescribed by ordinances, the building or erection of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officer or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to reg-

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ulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of fire-arms in said town; to regulate or prohibit the use of candles and lights in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage system for said town; to regulate or prohibit swimming or bathing in the bay in front of or contiguous to said town or said public lands, or in the waters within the limits of said town; to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases; for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said commissioners, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said town and its inhabitants. To contract with, or to grant franchises, concessions or rights to any person, persons, firm, partnership or corporation who may apply for the privileges of erecting wharves or piers, or for the use of any street, highway, avenue, lane, alley or beach strand, or right of way over said public lands, for the construction and operation of steam, motor or electric railways.

Section 7. All the public and vacant lands lying within the corporate limits of said town of Lewes, and all the public or vacant lands contiguous to but outside the corporate limits of said town and fronting on the Bay between the point of Cape Henlopen on the south and Veasey's Inlet on the north, shall be vested in the Commissioners of Lewes and the said Commissioners shall have jurisdiction over the same; and all ordinances adopted by the said Commissioners shall have the same force over and upon the said public and vacant lands as within the corporate limits of said town, and the said Commissioners are hereby authorized to lease, to persons who will improve or agree to improve the same, such portions of said public lands for such time and upon such

Sanitary condi-
tion of town

Certain public
lands vested
in town

Jurisdiction of
town to extend
over public
lands

Authorized
to lease

OF CITIES AND TOWNS.

terms as they, the said Commissioners, may deem proper for the interest and benefit of said town; and if hereafter any person or persons shall, without the permission and consent of the said Commissioners, build upon any of said public lands, he, she or they shall forfeit such improvements or buildings to the said town; and the said Commissioners may assess or levy upon any person or persons occupying, enclosing or claiming the uses or privileges of any of the said public lands vested as aforesaid in the said Commissioners and not held under a lease from said Commissioners at a certain rent, without the sanction of any act of the Legislature of this State or law of the United States, a tax, not exceeding six per cent. of the assessed actual value of the lands so enclosed, occupied or claimed, and two per cent. of the actual value of the improvements thereon.

Authorized to
levy tax
thereon

Taxation of
leased lands

A tax upon persons holding such public lands under a lease from said Commissioners at a certain rent, may be assessed or levied at the same rate at the assessed value thereof and the value of the improvements thereon, after deducting the value of the ground at the period of the reservation of the rent, which value shall be estimated at one hundred dollars for every six dollars reserved, and so for a greater or less amount of rent.

Nothing herein contained shall be construed to authorize any person or persons to build upon or enclose any of the said public lands without permission and consent of said Commissioners, nor to authorize the said Commissioners to assess or levy a tax upon persons excluded from the provisions of Section 9 of the Act entitled "An Act to Incorporate the Town of Lewes, and for other purposes", as amended by Chapter 535 of Volume 14 of the Laws of Delaware, and as re-published in Chapter 536 of the same Volume.

Control of
certain marsh-
es vested in
town

Section 8. The said Commissioners of Lewes are hereby invested with full and exclusive authority and control over the Great and Beach Marshes, Cape and Cape Marshes, near Lewes, and may sell and dispose of the grass and hay thereof in the month of July in each and every year, at public sale, giving notice by printed advertisements, posted in five

OF CITIES AND TOWNS.

of the most public places in Lewes and Rehoboth hundred ten days before the day of sale, to the highest and best bidder or bidders for the same; the notices shall specify the place where and the time when the grass or hay will be sold; and said Commissioners are further authorized to sell the wood and timber on the Cape and Cape Marshes at any time that it may be necessary or desired for any improvement made in or near said town, by and with the concurrence of a majority of said Commissioners; and the proceeds arising from the sale of the grass, hay, wood and timber shall be paid over to the Treasurer of the town, to be applied by the said Commissioners to such improvements of the town as they may deem proper. If any person or persons, without first obtaining permission from the Commissioners, shall fall, cut, or cart or convey any green timber or wood, or any timber on or from said Cape for any private use whatsoever, except wood cut from dead timber for fuel, he or they shall forfeit and pay any sum not exceeding fifty dollars, with costs, to be recovered by the Commissioners, for the use of the town, in the same manner as debts of that amount are recoverable; and persons so offending shall also be subject to a fine, not exceeding ten dollars, to be enforced as other fines and penalties provided for in this Act; and the said Commissioners may seize any timber or wood so cut, from any person or persons so offending, and may dispose of the same to the highest bidder, for the use of said town, and may pass any rules, regulations and ordinances regarding the cutting of said timber as they may deem proper for the interest of said town; Provided that nothing in this Section or Act shall authorize the said Commissioners to pass any ordinances to prevent any citizen of said town of Lewes or State of Delaware from fishing along said Delaware Bay shore, or from grazing cattle on said Cape, or Beach or Cape Marshes (except that the said Commissioners of Lewes shall have authority to prevent, by ordinance to that effect, cattle or other animals from running at large within certain limits to be specified by said ordinance, opposite to and in front of said town, and by building fences, providing gates, stiles and crossings as may be necessary for public convenience.)

Section 9. The said Commissioners shall have the right, power and authority, upon the presentation of a petition to

OF CITIES AND TOWNS.

Opening new streets that effect signed by five or more substantial freeholders of said town, to locate or lay out and open any new street or streets, lane or lanes, alley or alleys, or re-open or extend any old street or streets, lane or lanes, alley or alleys, to widen or to make narrower, or to straighten any of said streets, lanes or alleys already open, and to establish the new courses, limits and widths thereof, as may be deemed expedient.

Damages That whenever said Commissioners shall open any such new street or streets, lane or lanes, alley or alleys, or re-open, straighten, widen or extend any old street or streets, lane or lanes, alley or alleys, they shall allow to the person or persons respectively through or over whose land such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they, the said Commissioners, shall deem just and reasonable under all the circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of the town out of any moneys of said town, upon a warrant or warrants drawn upon him by order of the Commissioners aforesaid.

Notice to owner Section 10. Whenever the said Commissioners shall determine to locate, lay out and open any such new street or streets, lane or lanes, alley or alleys, or to re-open, widen, straighten or extend any old street or streets, lane or lanes, alley or alleys, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or re-open, widen, straighten or extend the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if such owner be not a resident within the said town, to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the Commissioners as aforesaid, he may, **Service of notice** **Appeal** within ten days, appeal from the said assessment of compensation or damages by serving written notice to that effect on

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the President of the said Commissioners. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten days' notice to said President of the said Commissioners, make written application to the Associate Judge of the Superior Court of this State, residing in Sussex County, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a commission, under his hand, directed to five freeholders of the said County, three of whom shall be residents of said town of Lewes and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose land said street, lane or alley shall pass, who shall have notified the said Commissioners of his intention to appeal, may incur by reason thereof, and to make return of their proceedings to the Associate Judge at a time therein appointed.

The freeholders named in such commission, being first sworn or affirmed as in said commission shall be directed, shall view the premises and they, or a majority of them, shall assess the damages as aforesaid, and shall make return in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to the said Commissioners of Lewes, which shall be final and conclusive. The Associate Judge shall have power to fill any vacancy in the Commission. The amount of damages being so ascertained, the said Commissioners of Lewes may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled shall reside out of or shall be absent from the town during the said period of one month, then the same may be deposited to his or her credit, in any bank of the town of Lewes, within said time, and thereupon said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the cost of the appeal shall be paid by the Treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased, the cost of the appeal shall be paid by the party

Freeholders

Duty of

Return

Vacancy, how filled

Payment of damages

Costs, how paid

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appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the Commissioners of Lewes shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, they may abandon the proposed improvements.

Town may
abandon
proceedings

Section 11. That the said Commissioners be and they are hereby authorized and required, upon the written petition of five or more substantial freeholders of said town, to direct in writing, the owner or owners of any house or land in Lewes before, along, in front of or adjoining which they may deem proper that a pavement should be laid, to curb and lay a pavement, or either or both, of brick or smooth stones or cement, as the Commissioners may direct, of such length and width as the said Commissioners may specify.

Paving

In the event of any owner neglecting or refusing to comply with said notice for the space of three months, the said Commissioners may proceed to have the same done, and when done the Treasurer of the said town shall, as soon as convenient thereafter, present to the owner or owners of said lands a bill, showing the expense of such paving or curbing, or either, or both; if such owner or owners shall not reside in the town of Lewes, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident in said town of Lewes, such bill may be sent by mail to such owner or owners, directed to him, her or them at the postoffice nearest his, her or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same as aforesaid, then it shall be the duty of said Commissioners to issue a warrant, in the name of the Commissioners of Lewes, under the hand of the President, attested by the Secretary, and under the seal of the corporation, directed to the Treasurer of the Commissioners of Lewes, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be

Penalty, for
neglect

Recovery of
county
expenses

Sale of
property

OF CITIES AND TOWNS.

the duty of said Treasurer, as soon as convenient after the said warrant shall be delivered to him, and after ten days' ^{Notice of sale} notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the town of Lewes at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay th amount of said bill, with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said Treasurer, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the town of Lewes for at least ten days before the day of sale, and after causing such notice of sale to be published twice in a newspaper of the said town of Lewes, to sell the lands and tenements of such owner or owners before, along, in front of or adjoining which such paving and curbing, or either or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with all costs, and a deed from the Com- ^{Title acquired by purchaser} missioners, signed by the President and attested by the Secretary under the seal of the Commissioners, shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof.

The Commissioners of Lewes are hereby authorized and ^{Town authorized to bid} empowered to employ a person to bid for them at any such sale and in case where the person so employed shall be the highest bidder, the deed for said lands shall be executed by the Treasurer effecting said sale, to said Commissioners of Lewes.

The claim for paving or curbing, or either or both, with ^{Paving claims a lien} interest on the same from the date of the completion of the improvements, shall be a lien on the premises before, along, in front of or adjoining which the said work was done, and shall have priority over any lien, incumbrance or conveyance after the completion of the said improvements; provided ^{Proviso: Extension of lien} that within thirty days after the completion of said im-
provements a certificate, under the corporate seal of said

OF CITIES AND TOWNS.

Commissioners, signed by the President and attested by the Secretary, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien, with the name or names of the owner or owners, shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate shall be evidence in all courts of law or equity in this State.

Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said office of the Recorder of Deeds within ninety days after the approval of this Act.

From the proceeds of the sale of the goods and chattels or lands and tenements, sold as aforesaid, it shall be the duty of the Treasurer aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue thereof, if any, shall be deposited in any bank of said town of Lewes to the credit of said owner or owners.

Surplus

Prior liens

Lands and tenements sold as aforesaid shall be sold subject to any lien or encumbrance suffered or made by the owner or owners thereof before the completion of said improvements.

Fees of
Treasurer

The Treasurer aforesaid shall be entitled to receive two dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of, advertising and selling such personal property and for advertising and selling such real estate, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant of such property shall be sufficient; or if there be no owner, occupier or tenant of said premises in said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence.

Notices,
service of

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'The provisions contained in this Section shall apply to any order made by the Commissioners of said town in respect to any pavement, sidewalk or curb heretofore made or done which the said Commissioners may deem insufficient or to need repairing.

If any lot or lots, house or houses, on any of the streets of said town of Lewes shall be held or owned by any widow or widows as and for her or their dower, or any tenant for life, such expenses incurring as aforesaid for the lot or lots, house or houses so held, shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be a minor or minors at the time of such expense being incurred, then the same shall be paid by the guardian or guardians, agent or agents acting for such minor or minors, out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and shall be allowed in his or her guardian's or agent's account and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same shall remain on interest from the day of the presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this Act to be kept up at the expense of the said tenant in dower or other life tenant. The said Commissioners of Lewes, in addition to the provisions of this Section hereinbefore contained, shall have the power and authority to enforce by ordinance all the requirements of this Section by imposing such fines and penalties as shall, in the judgment of said Commissioners, be necessary and proper.

That whenever a pavement shall be laid before, along, in front of or adjoining any house or land pursuant to the provisions of this Section, the Commissioners, if satisfied that such pavement has been made in accordance with their directions, may allow the owner or owners of such house or land a sum not exceeding one-third of the cost of said pavement.

Section 12. The said Commissioners shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this Act, or of the ordinances which they may adopt in pursuance thereof, and which are not specially provided for in this Act.

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Lock up

It shall and may be lawful for said Commissioners to keep and maintain a suitable place as a look-up or jail for the use of said town of Lewes.

Collection of fines

All fines and penalties which may be imposed either by this Act or by the ordinances adopted as aforesaid, may be collected before the Mayor of said town or any Justice of the Peace of said town, and in default of payment said Mayor or Justice of the Peace may commit to the town lock-up or to the public jail of Sussex County for any time not exceeding thirty days, or until such fine and costs shall be paid.

No fine, except where otherwise provided in this Act, shall exceed the sum of ten dollars, exclusive of costs.

The said Commissioners of Lewes shall pay for the board (and commitment fee) of all persons committed to said public jail of Sussex County, for violation of the Charter and ordinances of the said town, at the same rate as is paid the Sheriff of said County by the Levy Court for the board of prisoners.

Constables, duties of

Section 13. That the said Commissioners of Lewes shall have power to appoint such number of town constables or bailiffs as shall be deemed necessary, who shall constitute the town police, with power to remove any such constables or bailiffs and appoint others if it be deemed necessary, and it shall be the duty of the constable or constables or bailiffs aforesaid, to arrest any drunken or disorderly person they may see on the streets of said town, without a warrant, and take such person so arrested before the Mayor of said town, who shall hear and determine the case within a reasonable time, and upon conviction before him he shall sentence such person or persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to the town lock-up or to the public jail of the County for a period not exceeding thirty days, or until such fine and the costs shall be paid.

Fees

The Commissioners shall fix the fees and emoluments of such constables or bailiffs and prescribe their duties which are not herein specifically set forth. In proceedings before the Mayor the fees of such constables or bailiffs shall be the same

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as the fees of constables in proceedings before Justices of the Peace.

If any constable or bailiff shall neglect or refuse to perform any of the duties required of him by this Act he shall be guilty of a misdemeanor, and it shall be the duty of the said Commissioners to present him to the Grand Jury of Sussex County, and upon conviction thereof by indictment he shall be fined in a sum not less than ten or more than one hundred dollars, and may be imprisoned, in the discretion of the Court, for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

Constable, penalty for neglect of

Section 14. The said Commissioners of Lewes are hereby authorized and empowered, for the purpose of improvement and current expenses only, to levy and collect a tax, not exceeding in any one year the sum of Fifteen Hundred Dollars (\$1500) to be raised by way of tax upon male residents of said town and upon all the real estate within said town, and upon all the public or vacant land within or without the limits of said town, vested in said town, which shall be occupied, enclosed, or the use or privilege thereof claimed by any person or persons, and upon the improvements on such public or vacant land.

Tax to be raised

The Assessor of the town for the time being shall annually, within one month after the annual election of Commissioners, make a true, just and impartial valuation or assessment of all the real estate within said town, and of all the public or vacant lands within or without the corporate limits of said town, vested in said town, which shall be occupied, enclosed, or the use or privilege thereof claimed by any person or persons, and of the improvements on said public or vacant lands, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those not owning as those owning real estate within its limits; and the said Assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each, and the assessment of those occupying, enclosing or claiming the use or privilege of any of

Assessment

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the public or vacant lands aforesaid, and the improvements thereon.

The said Commissioners shall assess the real estate and person of the Assessor.

Duplicate

The said Commissioners shall examine and adjust the Assessor's duplicate, and for this purpose are hereby empowered to increase or diminish the valuation of any property listed by him, and between the first and twentieth days of February in each and every year cause a complete and full transcript of said duplicate, so examined, adjusted and corrected, to be hung up in a public place in the post-office in said town, there to remain for a space of twenty days thereafter for public inspection; and the said Commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a Court of Appeals, which shall continue open from ten o'clock in the forenoon until twelve o'clock, noon, and from one o'clock until three o'clock in the afternoon, of the said day, when they shall hear and determine appeals from said assessment.

Appeals

Notice

Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the Commissioners upon any appeal shall be final and conclusive.

No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others.

Apportionment
of taxes

After the valuation and assessment shall be examined and adjusted by the said Commissioners, all taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed, and the public or vacant lands and the improvements thereon, in just and equal proportions and rates. The Assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed by a Notary Public or Justice of the Peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the Commissioners containing the cer-

Assessor to be
sworn

OF CITIES AND TOWNS.

tificates of the election of the Mayor, Commissioners, Assessor and Treasurer aforesaid.

Section 15. The said Commissioners, after having ascertained the sum necessary to be raised in the said town for the purposes of this Act, and having apportioned the same on the assessment and valuation aforesaid shall, yearly, in the month of March or as soon thereafter as convenient, furnish the Treasurer of said town with a list containing the names of the taxables, as well those not owning real estate as those owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them; also the amount of the assessment of the public land occupied by him and the improvements thereon, distinguishing between them; and also the tax levied on each person, and also the tax on the whole valuation, and the rate per hundred dollars. The list shall be signed by the Commissioners, or a majority of them. The Treasurer, immediately after receiving the said list shall proceed to collect the taxes mentioned in said list, and in collecting the same shall have the same powers as are given by law to the collector of the County rates and levies; and it shall and may be lawful for the said Treasurer, after demand made by him for the payment of the tax assessed and levied against any person liable to taxation under this Act, and the failure of said taxable to pay the same on said demand, to give written notice to any person residing in the County of Sussex whom he may suppose to have in his possession any goods and chattels, rights or credits, moneys or wages, belonging or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person so served with notice shall fail to deliver such goods and chattels, or to pay so much money or wages in his possession as shall satisfy said tax due from said delinquent taxable, said Treasurer may proceed by suit, in the name of "Commissioners of Lewes", before any Justice of the Peace in said County of Sussex against any person so notified as aforesaid, and recover against him a judgment for the amount of said tax of said delinquent, with costs, or so much thereof as may be equal to the value of the goods and chattels, rights and credits, moneys and wages in

Treasurer to be
furnished
tax list

Treasurer,
power and
duty of

Attachment

OF CITIES AND TOWNS.

his hands at the time of service of said notice, or any time between then and the rendition of said judgment.

Bond

The Treasurer, before he enters upon the duties of his office shall give bond, with sufficient surety, in the penal sum of Three Thousand Dollars, to the Commissioners of Lewes, conditioned upon the faithful discharge of the trust imposed in him and the payment over to his successor in office all such sums of money as may remain in his hands upon the settlement of his accounts. The said Treasurer shall pay all orders drawn on him by the said Commissioners, and shall settle his accounts with said Commissioners annually before the fifth day of December, and as often and at such times as the said Commissioners shall require. The said assessor and Treasurer shall each receive a reasonable compensation, to be determined by the Commissioners.

Levy Court
to appropriate
\$600

Section 16. The Levy Court of Sussex County is hereby directed, in making the appropriation of the sum of the road tax to be paid to the overseers of roads annually, to make an order for the payment to the Commissioners of Lewes of the sum of six hundred dollars (\$600.00), to be by them expended in repairing and maintaining in proper order the roads, streets, lanes, alleys, bridges and squares within the limits of said town; and the said Commissioners of Lewes shall have the sole supervision of said roads, streets, lanes, alleys, bridges and squares, provided that the said Levy Court shall not make the appropriation of said sum until said Commissioners of Lewes shall have certified that an equal sum has been expended during the preceding year for the purpose aforesaid.

Supervision
of streetsCertificate to
Levy Court

Ditches

Ditch Compa-
nies to assess
town

Section 17. The said Commissioners of Lewes shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of this State, or corporations, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Lewes only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

Auditors,
duty of

Section 18. And be it further enacted as aforesaid, That it shall be the duty of the Mayor of Lewes for the time being,

OF CITIES AND TOWNS.

and he is required to appoint annually not later than the fifth day of December, two competent and suitable persons, who shall be residents in and freeholders of said town of Lewes, auditors of the accounts of the said town of Lewes, whose duty it shall be to examine all the accounts of said town, those of the Mayor, Commissioners, Treasurer or any other person or persons who have an account with said town, for the current year, and to audit the same; the said auditors shall on or before the last Saturday of December following their appointment, publish a report of said accounts so examined and audited, in any newspaper published in said town of Lewes.

Report to be published

Section 19. This Act shall not be construed to repeal or modify Chapters 196 and 197 of Volume 22 of the Laws of Delaware in any manner whatsoever; nor shall it be construed to repeal any other Acts in relation to the town or Commissioners of Lewes, unless the same are manifestly inconsistent with the provisions of this Act: And all the ordinances of the Commissioners of Lewes heretofore adopted and now in force, in pursuance of any laws of this State shall continue in full force and effect until repealed, altered or amended by the Commissioners of Lewes; that all the acts and doings of the Commissioners of Lewes or of any officer of said town, lawfully done or performed under the provisions of any law of this State or of any ordinance of the said Commissioners, are hereby ratified and confirmed; that all debts, fines and penalties and forfeitures due said town of Lewes, and all debts due from said town of Lewes to any person or persons whatsoever, or to any corporation or corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the Treasurer for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until the said taxes shall be fully collected and paid; that the official bond of the Treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the

Ordinances to continue in force

Acts of town ratified

Debts due and owing unaffected

Official bonds unaffected

OF CITIES AND TOWNS.

Suits, &c.,
unaffected

conditions of the said bond; that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Approved April 11, A. D. 1907.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 221.

OF MARRIAGE AND DIVORCE.

AN ACT Regulating Annulment of Marriage and Divorce.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That a marriage may be annulled for any of the following causes existing at the time of the marriage: ^{Annulment, causes for}

(a) Incurable physical impotency, or incapacity for ^{Impotency, &c} copulation, at the suit of either party: Provided, That the party making the application was ignorant of such impotency or incapacity at the time of the marriage.

(b) Consanguinity or affinity according to the table of ^{Consanguinity, &c.} degrees established by law, at the suit of either party; but when any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

(c) When such marriage was contracted while either of ^{Former marriage.} the parties thereto had a husband or wife living, at the suit of either party.

(d) Fraud, force or coercion, at the suit of the innocent ^{Fraud, &c} and injured party, unless the marriage has been confirmed by the acts of the injured party.

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Insanity (e) Insanity of either party, at the suit of the other, or at the suit of the committee of the lunatic, or of the lunatic on regaining reason, unless such lunatic, after regaining reason, has confirmed the marriage: **Proviso** That where the party compos mentis is the applicant, such party shall have been ignorant of the other's insanity at the time of the marriage, and shall not have confirmed it subsequent to the lunatic's regaining reason.

Non age of wife (f) At the suit of the wife when she was under the age of sixteen years at the time of the marriage, unless such marriage be confirmed by her after arriving at such age.

Non age of husband (g) At the suit of the husband when he was under the age of eighteen at the time of the marriage, unless such marriage be confirmed by him after arriving at such age.

Divorce Section 2. Divorce shall be of two kinds:

Kinds (a) Divorce from the bonds of matrimony, or divorce a vinculo matrimonii.

(b) Divorce from bed and board, or divorce a mensa et thoro.

A Vinculo causes Section 3. The causes for divorce from the bonds of matrimony shall be:

Adultery (a) Adultery.

Bigamy (b) Bigamy, at the suit of the innocent and injured party to the first marriage.

Conviction, &c. for crime (c) Conviction and sentence for crime by a competent Court having jurisdiction, followed by a continuous imprisonment for at least two years, or in the case of indeterminate sentence, for at least one year: **Proviso** That such conviction has been the result of trial in some one of the states of the United States, or in a Federal Court, or in some one of the territories, possessions or courts subject to the jurisdiction of the United States, or in some foreign country granting a trial by jury, followed by an equally long term of imprisonment.

Proviso

OF MARRIAGE AND DIVORCE.

(d) Extreme cruelty, on the part of either husband or wife, such as to endanger the life or health of the other party or to render cohabitation unsafe. Extreme cruelty

(e) Wilful desertion for two years. Desertion

(f) Habitual drunkenness for two years. Drunkenness

Section 4. The causes for divorce from bed and board shall be: A mensa, causes

(a) Adultery. Adultery

(b) Bigamy, at the suit of the innocent and injured party to the first marriage. Bigamy

(c) Conviction and sentence for crime by a competent court having jurisdiction, followed by a continuous imprisonment for at least two years, or in the case of indeterminate sentence, for at least one year: Provided, That such conviction has been the result of trial in some one of the states of the United States, or in a Federal Court, or in some one of the territories, possessions or courts subject to the jurisdiction of the United States, or in some foreign country granting a trial by jury, followed by an equally long term of imprisonment. Conviction, & for crime
Proviso

(d) Extreme cruelty, on the part of either husband or wife, such as to endanger the life or health of the other party or to render cohabitation unsafe. Extreme cruelty

(e) Wilful desertion for two years. Desertion

(f) Habitual drunkenness for two years. Drunkenness

(g) Hopeless insanity of the husband. Insanity

Section 5. No decree for divorce shall be granted if it appears to the satisfaction of the court that the suit has been brought by collusion, or that the plaintiff has procured or connived at the offense charged, or has condoned it, or has been guilty of adultery not condoned. Bars to divorce

Section 6. The Superior Court of this State shall have and entertain jurisdiction of all actions for annulment of marriage, or for divorce. jurisdiction, in what court

OF MARRIAGE AND DIVORCE.

Proceedings Section 7. The proceedings for divorce, or to have a marriage annulled, shall be by petition filed with the Prothonotary of the Superior Court in the county of the petitioner's residence, stating the true cause of the complaint and verified by the affidavit of the petitioner that the facts stated are true and that the complaint is not made out of levity or by collusion, whereupon a summons shall issue, for the defendant's appearance and upon proof of the service of such summons more than twenty days before the time of its return or upon proof of substituted service by publication as hereinafter provided, the cause shall proceed to trial, and shall be heard, tried and determined by the court without the intervention of a jury, and the court shall pass judgment thereon as to the court shall seem meet and proper.

Summons**Trial****Jurisdiction,
by personal
service****In actions for
annulment**

Section 8. For purposes of annulment of marriage, jurisdiction may be acquired by personal service upon the defendant within this State when either party is a bona fide resident of this State at the time of the commencement of the action.

**In actions for
divorce**

Section 9. For purposes of divorce, either absolute or from bed and board, jurisdiction may be acquired by personal service upon the defendant within this State, under the following conditions:

Exceptions

(a) When, at the time the cause of action arose, either party was a bona fide resident of this State, and has continued so to be down to the time of the commencement of the action; except that no action for absolute divorce shall be commenced for any cause other than adultery or bigamy, unless one of the parties has been for the two years next preceding the commencement of the action a bona fide resident of this State.

Proviso

(b) When, since the cause of action arose, either party has become, and for at least two years next preceding the commencement of the action has continued to be, a bona fide resident of this State: Provided, The cause of action alleged was recognized in the jurisdiction in which such party resided at the time the cause of action arose, as a ground for the same relief asked for in the action in this State.

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Section 10. When the defendant cannot be served personally within this State, and when at the time of the commencement of the action the plaintiff is a bona fide resident of this State, an alias summons shall issue to the second term next after issuing the original writ, which the sheriff shall publish for one month in such newspapers of the county, one or more, as he may judge best for giving the defendant notice; and the case may then proceed to trial with or without the defendant's appearance, subject to the provisions in the next succeeding Section.

Section 11. When the defendant cannot be served personally within this State, and when at the time of the commencement of the action the plaintiff is a bona fide resident of this State, jurisdiction for the purpose of divorce, whether absolute or from bed and board, may be acquired by publication as hereinbefore provided, to be followed where practicable by service upon or notice to the defendant without this State, under the following conditions:

(a) When, at the time the cause of action arose, the plaintiff was a bona fide resident of this State, and has continued so to be down to the time of the commencement of the action; except that no action for absolute divorce shall be commenced for any cause other than adultery or bigamy, unless the plaintiff has been for the two years next preceding the commencement of the action a bona fide resident of this State.

(b) When, since the cause of action arose, the plaintiff has become; and for at least two years next preceding the commencement of the action has continued to be, a bona fide resident of this State: Provided, The cause of action alleged was recognized in the jurisdiction in which the plaintiff resided at the time the cause of action arose, as a ground for the same relief asked for in the action in this State.

Section 12. The Court may grant alimony to the wife for her sustenance pending her petition for divorce, and may order and direct the husband to pay such sum as may be deemed necessary to defray the expenses in conducting her case, whether the application be on the part of either the wife or husband, and shall protect her from personal restraint.

OF MARRIAGE AND DIVORCE.

Petition may
be dismissed,
when

Section 13. On a petition for divorce for the cause of adultery, if the defendant shall recriminate and prove that the complainant has been guilty of the like crime, or has admitted the defendant into conjugal society, or embraces, after knowledge of the adultery; or that the complainant, if a husband, allowed of his wife's prostitution, the petition shall be dismissed.

Adultery of
wife forfeits
certain rights

Section 14. When the cause of divorce is the adultery of the wife, she shall forfeit any estate, charge, or benefit, settled upon her, or in trust for her use, in lieu of dower.

Allowance to
wife for
aggression of
husband

Section 15. When a divorce shall be decreed for the aggression of the husband, the complainant shall be restored to all here real estate, and be allowed, out of her husband's real and personal estate, such share as the court shall think reasonable; but if the divorce be for the wife's aggression, the court may restore the whole or a part of her real estate, and also such share of her husband's personal property as may seem reasonable.

How made

Section 16. Any such allowance, or division of the property, may be by a gross sum, or an annual allowance, or an assignment by metes and *bonds; and the court may appoint commissioners to execute any order in the premises, and may issue writs of possession, as in case of land sold on execution process.

Particeps
criminis

Section 17. Any one charged as a particeps criminis shall be made a party, upon his or her application to the court, subject to such terms and conditions as the court may prescribe.

Hearings and
trials

Section 18. All hearings and trials shall be had before the court, and not before a master, referee, or any other delegated representative, and shall in all cases be public.

Attorney,
appointment of

Section 19. In all uncontested cases, and in any other case where the court may deem it necessary or proper, a disinterested attorney may be assigned by the court actively to defend the case.

Proof required

Section 20. No decree for annulment of marriage, or for divorce, shall be granted unless the cause is shown by affirm-

* So Enrolled.

OF MARRIAGE AND DIVORCE.

ative proof aside from any admissions on the part of the defendant.

Section 21. No record or evidence in any case shall be ^{Impounding of records, &c} impounded, or access thereto refused.

Section 22. If after the hearing of any cause, the court ^{Decree nisi} shall be of opinion that the plaintiff is entitled to a decree annulling the marriage, or to a decree for divorce from the bonds of matrimony, a decree nisi shall be entered.

Section 23. A decree nisi shall become absolute after the expiration of one year from the entry thereof, unless ^{Absolute decrees} appealed from or proceedings for review are pending, or the court before the expiration of said period for sufficient cause, upon its own motion, or upon the application of any party, whether interested or not, otherwise orders; and at the expiration of one year such final and absolute decree shall then be entered upon application to the court by the plaintiff, unless prior to that time cause be shown to the contrary.

Section 24. In all cases of divorce from bed and board for any of the causes specified in Section 4 of this Act, the court may decree a separation forever thereafter, or for a limited time, as shall seem just and reasonable, with a provision that in case of a reconciliation at any time thereafter, the parties may apply for a revocation or suspension of the decree; and upon such application the court shall make such order as may be just and reasonable. ^{Decrees a mensa}

Section 25. The court upon granting a divorce from the bonds of matrimony to a woman may allow her to resume ^{Former name of wife} her maiden name, or the name of a former deceased husband.

Section 26. In an action brought by the wife, the legitimacy of any child born or begotten before the commencement of the action shall not be affected. ^{Children legitimacy of, in action by wife}

Section 27. In an action brought by the husband, the legitimacy of any child born or begotten before the commission of the offense charged shall not be affected; but the legitimacy of any other child of the wife may be determined as one of the issues of the action. All children begotten before the commencement of the action shall be presumed to be legitimate. ^{In action by husband}

OF MARRIAGE AND DIVORCE.

Foreign de-
crees, of other
states

Section 28. Full faith and credit shall be given in all the courts of this State to a decree of annulment of marriage or divorce by a court of competent jurisdiction in another State, territory, or possession of the United States when the jurisdiction of such court was obtained in the manner and in substantial conformity with the conditions prescribed in Sections 8, 9, 10 and 11 of this Act. Nothing herein contained shall be construed to limit the power of any court to give such effect to a decree of annulment or divorce by a court of a foreign country as may be justified by the rules of international comity; Provided, that if any inhabitant of this State shall go into another state, territory or country in order to obtain a decree of divorce for a cause which occurred while the parties resided in this State, or for a cause which is not ground for divorce under the laws of this State, a decree so obtained shall be of no force or effect in this State.

Of foreign
countries

Proviso

Saving suits
docketed, &c

Section 29. That this Act shall not affect any suit for divorce or for annulment of marriage now pending in any of the Courts of this State but that any such suit shall proceed to a final determination under the law as it existed prior to the passage and approval of this Act.

Repealer

Section 30. That Chapter 75 of the Revised Code of the State of Delaware as amended in 1893; Chapter 290 of Volume 21 of the Laws of Delaware, and Chapter 291 of Volume 21 of the Laws of Delaware, are hereby repealed; and all other Acts or parts of Acts inconsistent with the provision of this Act are hereby repealed.

Approved March 29, A. D. 1907.

OF DIVORCE.

CHAPTER 222.

OF DIVORCE.

AN ACT to Repeal an Act, entitled "An Act to Divorce Caleb Brinton and Clarine J. Brinton from the Bonds of Matrimony," passed at Dover, April 12, 1887.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That an Act, entitled "An Act to divorce Caleb Brinton and Clarine J. Brinton from the bonds of matrimony," passed at Dover, April 12, 1887, be and the same is hereby repealed. Chapter 424,
Volume 18,
repealed

Approved February 14, A. D. 1907.

OF PARENTS AND CHILDREN.

CHAPTER 223.

OF PARENTS AND CHILDREN.

AN ACT concerning Minors, their Adoption, Custody, and Maintenance.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Adoption of
minors

Section 1. That whenever the parents of any minor child or the parent or other person having the actual care or custody of any minor child is grossly immoral or unfitted to be intrusted with the care and education of such child, or shall neglect to provide said child with proper protection, maintenance or education or is of such careless and dissolute habits as likely to make such child chargeable upon any county or community of this State it shall be lawful for any person interested in the welfare of said child to present to the resident judge of the county where said minor child resides a petition setting forth the facts in the case duly verified by affidavit and praying that the said child may be brought before the said resident judge to be dealt with as hereinafter provided.

Petition to Associate Judge

Order on parent to appear

Section 2. That upon presentation of said petition an order shall be issued addressed to the parents or parent or other person in whose care or custody said child may be and also to the said child requiring their appearance, before the aforesaid judge at such time and place as shall be designated in the order issued upon said petition and to abide the further order of the judge in that behalf. The said order shall be served by such person as shall be designated by the said resident judge and may be served personally or by copy left at the place of residence of the persons mentioned therein at least five days before the return thereof.

Service thereof

Hearing

Section 3. That at the time and place appointed for the hearing in said order or to which the hearing may be adjourned and upon proof of legal service of said order in the manner therein directed, which proof may be by affidavit of the person serving the same a summary examination shall

OF PARENTS AND CHILDREN.

take place before the said resident judge and upon proof of the material facts set forth in said petition the said resident judge, if he deem it a proper case, may make an order committing the said child to the care and custody of such person, ^{Custody of child awarded until 18 years old} or such society duly incorporated under the laws of this State for the care of children, as the said resident judge shall for that purpose designate, until such child shall attain the age of eighteen years or until the said judge shall order otherwise, and the said resident judge may in his discretion require the giving of a bond by the person to whose custody or care the ^{Bond} child may be committed with such security and on such conditions as the said resident judge shall deem proper.

Section 4. The said resident judge may order that the ^{Costs} costs shall be paid by the person having the custody of said child or may order that said costs shall be paid by the County wherein said child resides.

Approved March 21, A. D. 1907.

OF PARENTS AND CHILDREN.

CHAPTER 224.

OF PARENTS AND CHILDREN.

AN ACT to Amend Chapter 243, Volume 11, Laws of Delaware, entitled,
"An Act in Relation to Illegitimate Children".

*Be it enacted by the Senate and House of Representatives of
the State of Delaware, in General Assembly met:*

Chapter 243,
Volume 11,
amended

Relating to
illegitimate
children

Section 1. That Section 1 of Chapter 243, Volume 11, Laws of Delaware, be and the same is hereby amended by striking out all in the fourth line thereof between the word "her" and the word "subject" and inserting in lieu thereof the word "heirs".

Approved March 21, A. D. 1907.

OF PARENTS AND CHILDREN.

CHAPTER 225.

OF PARENTS AND CHILDREN.

AN ACT to Change the Name of Charles Lammot Messick and make him, by adoption, a son and heir at law of Charles W. Messick.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the name of Charles Lammot a minor now under the care and protection of Charles W. Messick of Broad Creek Hundred, Sussex County and State of Delaware, be and the same is hereby changed to the name of Charles Lammot Messick, and by this name he is hereby constituted and made a son and heir at law of the said Charles W. Messick, and shall henceforth bear the same relation to him as if he were the legitimate child of the said Charles W. Messick.

Name of
Charles Lam-
mot changed to
Charles Lam-
mot Messick

Made heir of
Charles W.
Messick

Approved April 9, A. D. 1907.

OF PARENTS AND CHILDREN.

CHAPTER 226.

OF PARENTS AND CHILDREN.

AN ACT to Change the Name of Alice Snyder to Emma Mildred Boyer and make her, by adoption, a daughter and heir-at-law of Lewis F. Boyer.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Name of Alice
Snyder changed
to Emma
Mildred Boyer

Made heir of
Lewis F. Boyer

Section 1. That the name of Alice Snyder, a small child now under the care and protection of Lewis F. Boyer, of Duck Creek Hundred, Kent County, and State of Delaware, be and the same is hereby changed to the name of Emma Mildred Boyer, and by this name she is hereby constituted and made a daughter and heir-at-law of the said Lewis F. Boyer, and shall henceforth bear the same relation to him as if she were the legitimate child of the said Lewis F. Boyer.

Approved February 25, A. D. 1907.

OF PARENTS AND CHILDREN.

CHAPTER 227.

OF PARENTS AND CHILDREN.

AN ACT Changing the Name of Elsie L. Seamore to Elsie L. Collins, and making her, by adoption, the daughter and heir-at-law of Roland R. Collins.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the name of Elsie L. Seamore be and the same is hereby changed to Elsie L. Collins, and by such name she is hereby constituted and made a daughter and heir-at-law of Roland R. Collins, as though she were the legitimate child of the said Roland R. Collins.

Name changed from Elsie L. Seamore to Elsie L. Collins

Made heir of Roland R. Collins

Approved March 1, A. D. 1907.

CHAPTER 228.

AN ACT to Change the Name of Sallie B. Loper to Sallie B. Johnson.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the name of Sallie B. Loper be and the same is hereby changed to Sallie B. Johnson.

Name of Sallie B. Loper changed to Sallie B. Johnson

Section 2. That this Act shall be deemed and taken to be a public Act.

Approved January 31, A. D. 1907.

OF THE DOMESTIC RELATIONS.

CHAPTER 229.

AN ACT to Change the Name of Clarence L. Bull to Clarence L. Hudson, and Blanch C. Bull to Blanch O. Hudson.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Names of Clarence L. Bull and Blanch C. Bull changed to Clarence L. Hudson and Blanch C. Hudson

Section 1. That the name of Clarence L. Bull be changed to Clarence L. Hudson, and that of Blanch C. Bull to Blanch C. Hudson.

Approved March 1, A. D. 1907.

CHAPTER 230.

AN ACT to Change the Name of Rosa L. Pleasanton to Rosa L. Lewis.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Name of Rosa L. Pleasanton changed to Rosa L. Lewis

Section 1. That the name of Rosa L. Pleasanton be, and the same is hereby changed from that of Rosa L. Pleasanton to Rosa L. Lewis, and for all intents and purposes in law, equity or otherwise, her legal name shall be, Rosa L. Lewis.

Approved March 1, A. D. 1907.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 231.

OF CONVEYANCES.

AN ACT to Make Valid the Record of Certain Deeds having Defective Acknowledgments.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the record of any deed dated prior to the first day of January, A. D. 1905, and which was duly signed and sealed by the parties therein named as grantors, notwithstanding said deed had not been properly acknowledged, or the private examination of any married woman, party thereto, or the said acknowledgment or private examination had not been taken and certified in conformity with the requirements of the laws of this State in force at the time of its execution, shall be and the same is hereby made valid and effectual in law as if said deed had been correctly acknowledged and certified, and the said record, or any office copy thereof, shall be admitted as evidence in all courts of this State, and shall be valid and conclusive evidence, as if said deed had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

Record of
certain deeds
made valid

Record and
office copy
conclusive
evidence

Approved March 1, A. D. 1907.

OF CONVEYANCES.

CHAPTER 232.

OF CONVEYANCES.

AN ACT to Make Valid Certain Acknowledgments and Affidavits.

Preamble

Whereas, James W. Lattomus of the City of Wilmington was on the twentieth day of March, A. D. 1902 appointed a Notary Public for the State of Delaware, and,

Preamble

Whereas, it was afterward discovered that at the time of his appointment there was no existing vacancy and his commission was therefore invalid and void, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Record of
certain deeds
made valid

Section 1. That all acknowledgments and affidavits taken by James W. Lattomus under and by authority of a Notary's Commission issued to him on the twentieth day of March A. D. 1902 and all other acts done and performed by the said James W. Lattomus under and by authority of the said Notary's Commission be and they are hereby made as good and valid in law as if the said commission had been lawfully issued.

Approved February 14, A. D. 1907.

OF CONVEYANCES.

CHAPTER 233.

OF CONVEYANCES.

AN ACT for the Relief of the Heirs of Harriet A. Houston, deceased.

Whereas, it has been made to appear to the satisfaction of Preamble the General Assembly that Harriet A. Houston, late of St. Georges Hundred, New Castle County and State of Delaware, departed this life without lawful heirs or legal representatives or kindred, seized and possessed of real and personal estate and

Whereas, it also further appears, that the said Harriet A. Preamble Houston died leaving nieces and nephews, living at the time of her decease, to wit: a niece, Ida V. Holton a daughter of Washington Houston, deceased, who was a brother of the deceased, Kate Houston, widow of Bayard Houston, William Houston, Thomas J. Houston, Bayard F. Houston, Bayard Houston, minor heir of Berry Houston, Alice Spangler, Fannie Spangler and Hattie Cameron, children of Bayard Houston, deceased who was a brother of the deceased, Susan G. Houston, widow of Franklin Houston, deceased, Aldridge Houston, Harriet B. Archer, Georgie B. Houston, Harry T. Houston, William H. Houston, Thomas B. Houston, Audrey G. Houston and Docie K. Houston, children of Franklin Houston, deceased who was another brother of the deceased, therefore:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That all the right, title and interest of the State of Delaware of, in or to the real or personal estate of the said Harriet A. Houston, late of St. Georges Hundred, New Castle County and State of Delaware are hereby ceded to and vested in the said Ida V. Holton, a child of the said Washington Houston, deceased, the children of the said Bayard Houston and the children of the said Franklin Houston, deceased, their heirs, executors, administrators or

Estate of Harriet A. Houston, deceased, vested in certain individuals

OF CONVEYANCES.

assigns forever, each niece or nephew taking together the share that his, her or their parent would have taken if living, and the lawful heir or representative of the said Harriet A. Houston, deceased, that is to say, one third of the said estate to go as aforesaid to Ida V. Holton, daughter of Washington Houston, deceased, that is to say one third of the said estate to go as aforesaid to the children of the said Bayard Houston, deceased, and a one-third of the estate to go as aforesaid to the children of the said Franklin Houston, deceased.

Ratification of letters of administration issued on her estate

Section 2. That Letters of Administration upon the personal estate of the said Harriet A. Houston, heretofore granted to Ida V. Holton by the Register of Wills, in and for the said County of New Castle, be and the same are hereby ratified, confirmed, made legal and valid and the same laws and practice shall govern as would if the said parties were the lawful heirs of the said Harriet A. Houston, and the said personal estate shall be distributed among the said parties according to the same laws as would govern if the said parties were the lawful heirs of the said Harriet A. Houston and upon such distribution the Administrator or Administratrix of the said Harriet A. Houston shall be released and discharged from all liability because of such administration in the same manner and according to the same laws and practice as would govern if the said parties were the lawful heirs of the said Harriet A. Houston.

Recorder of Deeds authorized to record copy of this act

Section 3. The Recorder of Deeds in and for the said County of New Castle, is hereby authorized and required to record a copy of this Act in the same manner as other instruments concerning land are recorded.

Approved March 15, A. D. 1907.

OF WILLS.

CHAPTER 234.

OF WILLS.

AN ACT to Amend Section 6 of Chapter 84, Page 636 of the Revised Code prescribing under what conditions a last Will and Testament admitted to Probate or Filed of Record in another State, Territory or Foreign *County may be admitted to Probate and Recorded in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section I. That Section 6 of Chapter 84, Page 636 of the Revised Code of 1852 as amended, &c., 1893, be and the same is hereby amended, by striking out of the said Section the first eight lines and the word "evidence" of the ninth line thereof and inserting in lieu thereof the following:

"That any last will and testament in writing of a person not residing in this State at the time of his death, signed by the testator, and duly admitted to probate or admitted to record without this State, and in the place of the testator's domicile, may be duly admitted to probate and recorded in this State by filing a copy of said will and a copy of the record admitting the same to probate, or if probate be not required, or cannot be had, under the law of the State of the testator's domicile, then by a copy of the record of the mere filing of the said will in conformity to the laws of such domicile, as hereinafter provided, and such will, shall then have the same force and effect as if originally proved and allowed in this State."

Section II. This Section, as amended, shall apply to any last will and testament heretofore made and proven or filed in accordance with this Section as amended.

Approved March 21, A. D. 1907.

* So enrolled.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 235.

OF THE SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS.

AN ACT to Amend Section 17, of Chapter 90, of the Revised Statutes of the State of Delaware, as amended by Chapter 79, Volume 14, Laws of Delaware, relating to the Sale of Lands by Executors and Administrators.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Chapter 90,
Revised Code,
amended

Sale of lands
by Executors,
etc

Section 1. That Section 17, of Chapter 90, of the Revised Statutes of the State of Delaware, as amended by Chapter 79, Volume 14, Laws of Delaware, be and the same is hereby amended by inserting, between the word "devise" and the word "and", in the eighth line of said section, the words "and if, by any will, real estate be devised to a person or persons for life and after the death of such life tenant or life tenants to be sold, and no person be authorized to make said sale, the person or persons who shall have the execution of said will at the period when such sale is directed to be made, or the survivor or survivors of them, if several, shall have authority to sell said real estate in execution of said devise."

Approved March 14, A. D. 1907.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 236.

OF THE SUPERIOR COURT.

AN ACT to Fix the Time for Holding the Superior Court and Court of General Sessions in the several Counties in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Superior Court and Court of General Sessions in and for Sussex County shall be held on the first Monday in April, the last Monday in June, the first Monday in October, and the first Monday in February; in Kent County on the third Monday in April, the first Monday in July, the third Monday in October, and the third Monday in February; and in New Castle County on the third Monday in September, the first Monday in November, the first Monday in January, the first Monday in March, and the first Monday in June. At the June term in Sussex County and the July term in Kent County, no jury shall be summoned, but matters of fact at issue, if the parties agree, may be tried by the Court and judgment rendered upon their decision thereon as upon a verdict by a jury. Whenever the time herein fixed for the holding of a term of either of said Courts in any County in the State shall fall on a legal holiday, the said term shall begin on the next day thereafter. Provided that the provisions of this Act shall not take effect or go into operation until after the second Monday in July.

Terms in
Sussex County

Kent County

New Castle
County

Non-Jury
Term

Proviso:
Act to take
effect when

OF THE COURT OF OYER AND TERMINER.

in the year nineteen hundred and seven; but until that time, the terms of the said Courts shall be held at the time fixed by law for the holding of the same prior to the passage of this Act.

Section 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved April 9, A. D. 1907.

CHAPTER 237.

OF THE COURT OF OYER AND TERMINER.

AN ACT to Amend Chapter 93 of the Revised Code of the State of Delaware, as amended in 1893, entitled "Of the Court of Oyer and Terminer," by providing for a speedy convening thereof in certain cases.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Chapter 93,
Revised Code,
amended

Section 1. That Chapter 93 of the Revised Code of the State of Delaware, as amended in 1893, be and the same is hereby amended by adding a new Section thereto to be known as Section 4, in the following words and figures, to wit:—

Precept for
Court of Oyer
and Terminer

"Section 4. Whenever it shall be made to appear to the judges of said court that, by reason of the facts of any particular case, the public welfare demands a speedier convening of said court than is possible by the usual procedure, the said judges shall issue a precept for holding a court of Oyer and Terminer upon the sixth day after the date of said precept, and shall direct the proper officers to forthwith draw and summon either a grand or petit jury or both, as to said court may seem needful, to attend upon the day fixed for said court; and no proclamation of such court shall be made by the sheriff."

Summoning
Grand and
Petit Jurors

Approved March 29, A. D. 1907.

OF THE COURT OF CHANCERY.

CHAPTER 238.

OF THE COURT OF CHANCERY.

AN ACT to Amend Section 8, Chapter LXXXVI, of the Laws of Delaware, as Published in the Revised Code of 1893, by Changing the Return Day of Summons Issued Upon Order of the Chancellor in Partition Proceedings in the Court of Chancery, from "Same Day in the Next Term of Said Court", to "the First Monday of the Next Month, or the Next Month but one, Occuring After Twenty Days from the Time of the Issuing Thereof".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 8, Chapter LXXXVI, of the Laws of Delaware, as published in the Revised Code of 1893, <sup>Chapter 86,
Revised Code,
amended</sup> be amended by striking out of the eleventh and twelfth lines of said Section the words "some day in the next term of said Court", and in inserting in lieu thereof, the words <sup>Return day of
Summons in
Partition</sup> "the first Monday of the next month, or the next month but one, occurring after twenty days from the time of the issuing thereof".

Approved March 5, A. D. 1907.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 239.

GENERAL POWERS, DUTIES AND JURISDICTION OF.

AN ACT to Amend Chapter 340, Volume 16, Laws of Delaware, Entitled, "An Act to Reduce the Number of Justices of the Peace in the City of Wilmington, and for Other Purposes," Authorizing the Bringing of Actions Before Justices of the Peace in New Castle County Against Non-Residents.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Chapter 340,
Volume 16,
amended

Authorizing
the bringing of
action against
non-residents

Section 1. That Section 4, of Chapter 340, Volume 16, Laws of Delaware, be and the same is hereby amended by inserting after the word "law" and before the word "this" in the sixteenth line of said section the words: "And further provided that nothing in this act shall debar any person from bringing any action, now authorized by law to be brought before Justices of the Peace, before any Justice of the Peace of said New Castle County, against any non-resident of the State of Delaware.

Approved February 11, A. D. 1907.

OF JUSTICES OF THE PEACE.

CHAPTER 240.

APPOINTMENT OF.

AN ACT to Provide for the Appointment of an Additional Justice of the Peace and Notary Public for South Murderkill Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is authorized to appoint an additional Justice of the Peace and Notary Public in and for Kent County to reside in that part of South Murderkill Hundred known as the Eastern voting district of South Murderkill Hundred.

Additional Justice of Peace authorized in South Murderkill Hundred

Approved February 14, A. D. 1907.

CHAPTER 241.

JUSTICES JURISDICTION IN CIVIL CASES OF DEBT.

AN ACT to Amend Chapter 99, of the Revised Code, in relation to forthwith Writ of Summons issued by Justices of the Peace.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 2 of Chapter 99 of the Revised Code of 1893 as amended be and the same is hereby further amended by inserting in the seventh line after the word "plaintiff" and before the word "that" the following words: "or, if the plaintiff be a corporation, by the oath of any officer of the said corporation."

Chapter 99, Revised Code, amended

Affidavit of corporation plaintiff made by whom

Approved February 25, A. D. 1907.

JURISDICTION IN CIVIL CASES OF DEBT.

CHAPTER 242.

JURISDICTION IN CIVIL CASES OF DEBT.

AN ACT to Amend Section 17, Chapter 99 of the Revised Code of the Laws of Delaware in Reference to Certain Duties of Sheriffs and Constables of the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 99,
Revised Code,
amended

“Section 1. That Section 17 of Chapter 99, Revised Code, Laws of Delaware, be and the same is hereby amended by inserting after the word “thereafter” in the eighth line of said section and before the word “they” in the same line, the following:—“Provided the property which any debtor is entitled to have set apart under any exemption laws of the State of Delaware, shall be set apart and delivered to the said debtor at the time when the levy and appraisal is made, and in the same manner as is provided by law.”

Property ex-
empt to be set
aside before
seizure

Approved February 25, A. D. 1907.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 243.

OF WITNESSES AND EVIDENCE.

AN ACT Permitting of Wife or Husband to Testify for or Against each other in both Civil and Criminal Causes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the approval of this Act it shall be lawful for a wife or a husband to testify for or against each other, in both Civil and Criminal Causes in any of the courts of this State. Husband and wife may testify for or against each other

Approved March 14, A. D. 1907.

OF JURIES.

CHAPTER 244.

OF JURIES.

AN ACT to Regulate the Drawing, Summoning, Returning and Service of Jurors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

- Who qualified to serve** Section 1. All persons qualified to vote at the general election shall be liable to serve as jurors; except public officers of this State, or of the United States, attorneys-at-law, ordained ministers of the gospel, officers of colleges and teachers of public schools, practicing physicians and surgeons regularly licensed, cashiers of incorporated banks, and all persons who are more than seventy years of age.
- Who exempt**
- Jury Commissioners, how appointed** Section 2. The Law Judges of the state shall annually, in the month of March of each year, appoint two suitable persons, both of whom shall not, at any time, be of the same political party, in each county of this state to be Jury Commissioners for the county in which they shall, respectively,
- Compensation** reside. They shall each receive for their services the sum of ten dollars for each jury drawn, to be paid by the treasurer of the county wherein they reside upon warrants drawn by the Superior Court sitting in and for said county. Said Commissioners shall, before entering upon their duties, be severally sworn to faithfully and impartially discharge their duties as such Commissioners.
- To be sworn**
- Jurors, how selected** Section 3. The said Jury Commissioners for each county shall, in the month of December in each year, select, from the citizens of each county who are liable to serve as jurors under the provisions of Section 1 of this act, in such proportion for each Representative District of the county as may be deemed proper, the names of one hundred sober and judicious persons to serve (if summoned) as Grand Jurors; and also, at any time, when it shall be the duty of the said Jury Commissioners, as hereinafter provided, to draw the names
- Grand Jurors**
- Petit Jurors** of persons to serve as Petit Jurors, the said Commissioners

OF JURIES.

shall, before the drawing of such names, select from the citizens of each county who are liable to serve as jurors, as aforesaid, in such proportion for each Representative District of the county as may be deemed proper, the names of one hundred and fifty other sober and judicious persons to serve (if summoned) as Petit Jurors. There shall be provided for each Representative District of each county, respectively, two boxes, one of which shall be marked "Grand Jurors", and the other shall be marked "Petit Jurors". The names of the persons selected from each Representative District, as aforesaid, to serve (if summoned) as Grand Jurors, shall be placed in the box, for the Representative District from which they are selected, marked "Grand Jurors"; and the names of the persons selected from each Representative District to serve (if summoned) as Petit Jurors, shall be placed in the box, for the Representative District from which they are selected, marked "Petit Jurors". In selecting the said names, as aforesaid, each Commissioner shall place in said boxes one name alternating without reference to party affiliations until the whole number required and apportioned, as aforesaid, shall be placed therein. The names of the persons selected for Grand Jurors shall be deposited in the boxes marked "Grand Jurors"; in like manner the names of the persons selected for Petit Jurors shall be deposited in the boxes marked "Petit Jurors". After selecting the said names and depositing the same in the said boxes, in the manner hereinabove provided, the said Jury Commissioners shall securely lock each of said boxes and deposit the same in the custody of the Prothonotary of the County (the said Commissioners retaining all the keys to said boxes), whose duty it shall be to safely keep said boxes and deliver the same to no person other than both of said Jury Commissioners. While selecting the said names and placing the same in said boxes no persons shall be present other than both of said Jury Commissioners, and the said Jury Commissioners shall not disclose the names of any person or persons so selected and placed in said boxes as aforesaid.

Section 4. The said Commissioners in selecting the names of persons to be drawn for jurors, at any time, shall omit the names of any persons who may have served as

Boxes, how
marked

Names to be,
selected, how

Commissioners
to place names
in alternately

Where names
to be deposited

Boxes to be
locked
Boxes in whose
custody placed
Keys, by whom
kept

No one present
when names
are selected

Whose names
to be omitted

OF JURIES.

Grand Jurors for the next previous year and the names of any persons who shall have served as Petit Jurors for the term of Court then in session or for the next preceding term thereof.

Grand Jury, how drawn

Section 5. The said Commissioners for each county, respectively, shall, fifteen days before the commencement of the first term in each calendar year of the Court of General Sessions for the county for which said Commissioners were appointed, respectively, in the presence of such persons as may choose to be present, draw from the boxes marked "Grand Jurors" the names of twenty-four persons, apportioned as nearly equally as may be among the Representative Districts of the County, to serve for one year at the several courts, at which a Grand Jury is required, to be holden during said year in said county.

Petit Jury, how drawn

Section 6. The said Commissioners for each county, respectively, shall, fifteen days before the commencement of each term of the Court of General Sessions for the county, and fifteen days before the commencement of each term of the Superior Court for the county, in like manner, and at such other times as they may be directed by the said courts, respectively, draw from the boxes marked "Petit Jurors" the names of ~~thirty~~ persons apportioned as nearly equally as may be among the Representative Districts of the County, to serve as Petit Jurors at the ensuing terms of said Court of General Sessions and said Superior Court, in and for the counties of Kent and Sussex; and the names of forty persons apportioned as aforesaid to serve as Petit Jurors at the ensuing terms of said courts of General Sessions and said Superior Court, in and for the County of New Castle. Provided, however, that when the court of General Sessions and the Superior Court, in any county, shall be holden at the same time, but one panel of jurors shall be drawn to serve at both of said courts; and provided, further, that no juror drawn to serve in the Court of General Sessions or the Superior Court, in and for New Castle County, shall serve for a longer period than two weeks, unless any such juror shall, before the expiration of said period, have been empanelled for the trial of a cause, in which case any juror so empanelled shall continue to serve until the rendition of the verdict in such cause or a discharge by the Court.

36 re amended by Chap. 285 of 27 388

Proviso: One panel to serve for Superior Court and Court of General Sessions when both in session

Jurors in New Castle to serve only for two weeks

OF JURIES.

Section 7. If, at the drawing of jurors under the two foregoing Sections, the name of a person exempt by law from serving as a juror, or who is absent from the state, be drawn; or if, at the drawing of Petit Jurors, the name of a person, who shall have served as Petit Juror at the next preceding term of said court, or who shall have any matter of fact at issue pending for trial at the ensuing term of said court, be drawn, such name shall be returned to the box and another drawn in its stead. If a person having any matter of fact at issue, as aforesaid, be drawn and summoned contrary to the foregoing provisions, he shall be subject to be challenged.

Exempts
drawn to be
returned to
box

Section 8. If at any drawing of jurors, either Jury Commissioner be a party to any issue of fact for trial at the ensuing term of said court, or if, at any drawing either of the said Commissioners be absent, his place shall be supplied, pro tempore, by the resident Associate Judge of the county wherein such Jury Commissioner, whose place is supplied, as aforesaid, shall reside.

Absence of
Jury Commis-
sioners sup-
plied tempora-
rily by Resi-
dent Judge

Section 9. The Jury Commissioners shall immediately after said drawing deliver to the sheriff of the county a correct list of the names of the persons so drawn with the date of the drawing endorsed thereon.

List of jurors
to be delivered
to Sheriff

Section 10. The sheriff of the county, upon receiving a list of the persons drawn for Grand Jurors, as aforesaid, shall, at least five days before the next ensuing term of the Court of General Sessions for his county, summon, in writing, each of the said persons to serve as the standing Grand Jurors for one year at said court. He shall, in like manner, upon receiving a list of the persons drawn for Petit Jurors, as aforesaid, at least five days before the next ensuing term of said Court of General Sessions or Superior Court, summon, in writing, each of said persons to serve as Petit Jurors, at the then next term of said courts, respectively. The sheriff shall, within one hour after the opening of said courts, respectively, on the first day of every term, return to each of said courts a separate and distinct list of the names of the persons summoned to attend thereat as Grand Jurors and Petit Jurors, showing the christian names, the surnames and places of abode of such jurors.

Sheriff to sum-
mon Grand
Jury

Petit Jury

Return panels
to Courts

OF JURIES.

Grand Jury to
serve for the
year for Court
of Oyer and
Terminer

Section 11. The Grand Jurors for the year, drawn as aforesaid, shall be summoned and returned to attend as Grand Jurors at any court of Oyer and Terminer, when the precept for holding such court directs a Grand Jury to be summoned.

Sixty-four
Petit Jurors to
be drawn
for Court of
Oyer

Section 12. For any court of Oyer and Terminer sixty-four jurors shall, upon notice of the sheriff to the Jury Commissioners that such court is to be held, be drawn, summoned and returned according to the foregoing provisions for drawing, summoning and returning Petit Jurors; provided, that if the day assigned for holding a Court of Oyer and Terminer shall be at a time when the Petit Jury is in attendance upon the Superior Court or Court of General Sessions, such jury shall constitute a part of the panel of the Petit Jurors to be summoned to attend the said Court of Oyer and Terminer, and only the residue of the said number of sixty-four jurors shall be drawn according to the foregoing provisions.

Proviso:
When Superior
Court in ses-
sion only the
excess to be
drawn

Grand Jury to
be sworn at
each term

Section 13. The Grand Jurors shall, at every term of any court which they shall attend during the year for which they are drawn, be severally sworn, or affirmed, to the faithful discharge of their duty and trust.

Tales de
circumstanti-
bus

Section 14. If at any court a sufficient number of Grand or Petit Jurors, drawn and summoned as aforesaid, do not appear; or if the panel returned by the sheriff be quashed by the court, the court may award a tales de circumstantibus, or make such other order as it may deem expedient for filling up the requisite number of jurors to serve at such court. In like manner a deficiency of the Petit Jurors may be supplied, when, by reason of challenges, or otherwise, a sufficient number are not ready for the trial of a cause.

Jury ballots to
be prepared

Section 15. The Prothonotary, or Clerk of the Peace, shall, under the direction of the court, write the name of each Petit Juror, returned and empanelled as aforesaid, upon a distinct ballot, all the ballots being of the same color and size; and shall roll up the said ballots, all in the same manner, as near as may be, and put them together in a box to be provided for the purpose. When a cause is called for trial, an indifferent person shall, in open court, draw out twelve of said ballots, successively, and if any of the jurors, whose

Jury drawn

OF JURIES.

names are so drawn, shall not appear, or shall be challenged and set aside, then a further number shall be drawn, until twelve jurors appear, and, upon challenge, are allowed. The ^{Jury} said twelve persons first drawn, appearing and allowed, their names being marked in the panel, and they being sworn, or affirmed, shall be the jury to try the cause. The names of the persons so sworn, or affirmed, shall be kept apart in another ^{Names kept apart} box to be provided for the purpose, until the verdict of such jury shall have been rendered, or until the jury shall be discharged by the court; when the same names shall be rolled up and returned to the first mentioned box, to be kept with the other names remaining then undrawn; and so toties quoties, as long as any cause remains for trial.

Section 16. If before the discharge of a jury empanelled ^{Jury from residue} for a cause, another cause shall be called for trial, a jury to try such other cause may be drawn from the residue of the ballots not containing the names of the jurors drawn.

Section 17. Whenever, by a neglect of any of the duties ^{Penalty for neglect to draw and summon a jury} enjoined by this Act upon any of the officers herein mentioned, a jury shall not be duly drawn and summoned to attend any court to which their attendance is by law required, every person guilty of such neglect shall forfeit and pay a fine of fifty dollars to be imposed by the court upon a summary investigation, as for a contempt of court, said fine to be for the use of the county in which the offense is committed.

Section 18. If any person shall commit any fraud, either ^{Penalty for fraud in respect to juries} by practicing on the jury boxes previous to a draft, or in drawing a juror, or in returning into the box the name of any juror which had been lawfully drawn out and drawing or substituting another in its stead, or in any other way in the drawing of jurors; or if a sheriff shall commit any fraud in the summoning, or returning of jurors, either in the summoning or returning of persons who shall not have been drawn as jurors, or in refusing to summon and return persons who shall have been drawn as jurors, or otherwise; every officer or person so offending shall be deemed guilty of a misdemeanor and shall forfeit and pay a fine not exceeding two hundred dollars.

Section .19 If any person, summoned to attend as Grand

OF JURIES.

Penalty on jurors not answering
Forfeitures
Fine

Juror or Petit Juror, at any court, under any of the foregoing provisions, shall fail to comply with such summons, or to answer to every call of his name by order of the court, such defaulting juror shall forfeit his fees for the day's attendance, or pay a fine not exceeding ten dollars, at the discretion of the court; the fine when imposed to be for the use of the county in which the offense shall be committed. The court may, upon proper cause shown, remit a fine so imposed.

Court may remit fine

Vacancy in board of Jury Commissioners, how filled

Section 20. If a vacancy shall occur in the Board of Jury Commissioners for each county, respectively, by death, resignation, removal from the state, or otherwise, such vacancy shall be filled by the said Law Judges of the state, by the appointment thereto, conformably to the provisions of Section 2 of this Act, of a person to serve for the unexpired term.

Who ineligible as Jury Commissioners

Section 21. No person shall be appointed Jury Commissioner under the provisions of this Act who is an attorney-at-law.

Grand Juries drawn to continue until Grand Jury be drawn under this act

Section 22. That all Grand Juries, which, at the time of the approval of this Act, shall have been previously drawn according to any provisions of law by this Act repealed, shall be, in all respects, lawful Grand Juries and, as such, shall serve until the first Grand Jury in each County, respectively, shall be drawn under and in accordance with the provisions of this Act; and all Petit Juries, which, at the time of the approval of this Act, shall have been previously drawn according to any provisions of law by this Act repealed, shall be, in all respects, lawful Petit Juries and, as such, shall serve until discharged by the several Courts to serve in which they were drawn, respectively.

Petit Juries drawn to serve until discharged by the Court

Repealer

Section 23. That Chapter 558, Volume 14, Laws of Delaware; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 23, 24 and 25 of Chapter 109 of the Revised Code of the State of Delaware as amended in 1893; Sections 1, 2 and 3 of Chapter 590, Volume 20, Laws of Delaware; Section 11 of Chapter 22, Volume 21, Laws of Delaware; and Section 12 of Chapter 54, Volume 22 Laws of Delaware, be and the same are hereby repealed; and that all other acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved March 29, A. D. 1907.

TITLE NINETEENTH.

Of the Fees of Public Officers.

CHAPTER 245.

OF THE FEES OF PUBLIC OFFICERS.

AN ACT to Amend Sections 7 and 10, Chapter 125, Revised Code of 1893
Laws of Delaware,

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met :*

Section 1. That Section 7, Chapter 125, Revised Code of 1893, Laws of Delaware, be amended by striking out all of said Section 7 and inserting in lieu thereof a new section as follows:—

“Section 7.—SHERIFF.

The following fees shall be charged by the sheriff.

Sheriff's fees

For serving writ of summons, Scire Facias, Replevin, Dower, Partition, Subpoena ad Respondendum, Attachment for attaching property, process of Certiorari, Citation, Appeal, Declaration and Notice of Ejectment, Attachment, Attachment upon Garnishees, for each Garnishee Summoned, or any process of arrest in a Civil case, Notice of Sale to each Plaintiff and Defendant and Landlord or Execution Creditor, Notice to Plaintiffs and Defendants in Inquisition, Advertis-

OF THE FEES OF PUBLIC OFFICERS.

ing Rule, or notice to Defendant in Divorce in Newspaper or any other process in the nature thereof and making due return of same for each person so served or notified.....	\$	75-
Taking Bail Bond for either party in Replevin or Bond for securing rent, or Bond of any nature whatever taken and approved by Sheriff or a Judge		50-
Serving and returning Subpoena to give evidence or to bring papers for each person summoned both in Civil or Criminal actions for the first.....		50-
And all others on same Subpoena each.....		50-
Serving and returning Capias ad. satisfaciendum for each person arrested.....	2	00
And additionally two per centum upon money received and paid upon such writ for serving and returning a habere facias possessionem or writ in the nature thereof	1	50-
If there be several parcels possessed by different persons for each parcel so possessed.....	1	50-
Serving and returning writ of Inquiry of Damages or other writ of Inquiry.....	2	00
Serving and returning writ of Elegit, Liberari Facias, writ de partition efacienda or habere facias Scisnam in Dower.....	2	00
Attendance upon premises in making partition or laying off Dower for each day.....	2	00
Serving and returning writ pro retorno habendo....	3	00
Serving and returning writ of Sequestration.....	3	00
Serving and returning writ of Injunction, Restraining order or Subpoena to answer in Chancery.....	1	00
For other extra services additional compensation to be allowed by the Chancellor.		
On execution Levying an execution on goods and chattels and making inventory causing appraisement, and making return if the sum due upon the execution shall not exceed \$400.00.....	3	00
If the sum due shall exceed \$400.00.....	4	00
On all sums over \$500.00.....	5	00
Expense of keeping goods and chattels seized upon execution or attachment, a reasonable allowance to be made by the Court.		

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Advertising goods and chattels the first time	\$ 1 00
Same for advertising a second and third time if necessary	1 00
Selling goods and chattels on execution three per centum on amount made by the sale and legally applied.	
If an execution be levied upon goods and chattels, and settled without sale after the expiration of thirty (30) days from the levy and notice thereof to the Defendant, the Sheriff shall be entitled to dollarage, otherwise if the execution be settled before the expiration of thirty (30) days dollarage shall not accrue or be endorsed.	
For levying an execution upon lands and tenements for each defendant	2 50 <i>On lands</i>
Holding inquiry and returning inquisition under a rule of Court	3 00
Advertising sale of lands and tenements; advertising in two newspapers and hand bills under Section 23, Chapter III, Revised Code of 1893; advertising and selling under an order of Court or a judge, goods and chattels, lands and tenements, such costs, charges and allowances as shall be fixed and determined by the Superior Court.	
Returning sale on Venditioni, Exponas, Levari Facias, Fieri Facias, or upon any order from the Court or Judge	2 00
Returning non est inventus, nulla bona, mortuus est, Nihil habet for each	50
In all cases originating before a Justice of the Peace and directed to the Sheriff, the same fees as are allowed by Law to the Constable.	

In Cases of Landlord and Tenant.

For serving and returning warrant of summons in the case	1 00
Attendance during the hearing of the case	1 50
Serving and returning warrant for delivering possession and levying costs and damages	2 00
And an additional three (3) per centum on the damages and costs levied.	

OF THE FEES OF PUBLIC OFFICERS.

In forcible entry and detainer, the like fees for like services.

Delivering to Surveyors warrant to lay down pretensions, and giving notice to the parties or their attorneys of the time of executing the same.....\$ 2 00

Attendance on survey under such warrant each day. 2 00

Assigning Bail Bond or Bond in Replevin..... 50

For attendance with Jurors on view each day..... 2 00

Summoning special jury and making return..... 5 00

Summoning Special Jury in term time of Court..... 10 00

Executing a writ for Levying Costs of a contested election for the General Assembly the same fees as for like services upon execution process generally.

For serving each writ, process, or notice before mentioned three (3) cents per mile necessarily travelled out and in from place of return to the place of service for each writ subpoena or notice so served.

For services of Sheriff for any monies arising from a sale of personal property, or lands and tenements by virtue of an execution in his hands and applicable to other executions or judgments prior to or subsequent. See Revised Code, Page 847.

(See Chapter 144, Volume 16 Laws of Delaware for each application.)..... 50

Section 2. That Section 10, Chapter 125, Revised Code of 1893, Laws of Delaware, be amended by striking out all of said Section 10 and inserting in lieu thereof a new section as follows:—

Section 10. PROTHONOTARY.

Prothonotary The following fees shall be charged by the Prothonotary.

Fees in suits and upon judgments and process

For issuing writ of summons, scire facias, replevin, partition, dower, attachment for attaching property, capias ad respondendum, mechanic's lien, or other original process, docketing, entering return and transcribing to the Continuance Docket, no less fee to be charged..... 4 25

Issuing copy of writ in any of the above stated cases. 1 00

OF THE FEES OF PUBLIC OFFICERS.

Issuing an alias, pluries, or any subsequent writ or process.	\$ 1 00
Issuing all writs exceeding in length forty lines, two cents a line for such excess, in addition to the fee otherwise allowed.	
Issuing writ of elegit, de partione facienda, habere facias siesinam in dower, liberari facias, levari facias, habere facias possessionem and venditioni exponas to sell lands.	2 50
Issuing fieri facias, venditioni exponas to sell goods and chattels, thirty day rule or other judicial writ not heretofore mentioned.	1 50
Filing every judicial writ returned, and entering return.	25
All entries in any action (except an amicable action, an action of debt without writ) made at each and every term after first, or in vacation while pending..	50
Filing Narr.	25
Filing pleas (each stage).	25
Filing replications and issues.	25
Filing interrogatories, giving written notice thereof, and making entry of such filing and notice.	50
Issuing commissions to take depositions, filing commission returned with depositions, and making entry thereof.	1 50
Copy of interrogatories annexed, two cents per line of eight words.	
Issuing warrant to lay down pretensions.	1 00
Issuing subpoena to give evidence, or to give evidence and bring papers, for the first five witnesses or less.	1 00
and for each additional witness.	25
Issuing an attachment for contempt of Court.	1 00
Drawing list of freeholders in order to the striking of a special jury issuing venire facias for such jury including all services at trial, same to be charged whether trial or not.	5 00
Advertising cause for trial.	25
Drawing jury and all services in respect of trial.	2 00
Issuing a writ of inquiry of damages, or other writ	

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of inquiry, writ of possession, writ of estrepement, or other mesne process.....	\$ 1 00
and additionally two cents per line.	
Entering amicable action with all enteries, and filing all papers with the time of entering the same, and V. C. whether issued or not, no less fee to be charged	3 50
Ascertaining amount of judgment under rule of Court	1 50
Entering judgment upon bond with warrant of attorney to prothonotary or attorney for confession of judgment	1 00
Issuing V. C. on judgments.....	81
Entry of judgment confessed under a warrant of attorney or otherwise, in an action of debt without writ, filing Narr. and pleas, or any other writing or paper, and every service whatever touching the entry of such action and judgment.....	2 00
Entering judgment in judgment docket, except when confessed under warrant of attorney.....	50
Recording proceedings in partition, or for assignment of dower, two cents per line, and for draught a sum to be allowed by the Court, not exceeding the sum of \$2.00 per draught, unless partition be made or dower assigned, or more than two several tracts of land, and not exceeding in the whole in any case ten dollars.	
Recording testatum fieri facias.....	1 00
Issuing testatum fieri facias to another county.....	2 00
Taking declaration of garnishee.....	50
For every general rule to show cause, filing petition, issuing rule, entering return of Sheriff and decree of Court on such rule, no less fee to be charged,.....	3 50
For every rule to show cause why a judgment or mortgage should not be satisfied, when personal service can be had, issuing rule, entering return of sheriff and decree of Court on such rule, no less fee to be charged,.....	3 50
And when personal service can not be made, and publication must be had, taking affidavit of sheriff and entering order of Court, filing Sheriff's return and satisfying judgment	7 50

Rules to show
cause

OF THE FEES OF PUBLIC OFFICERS.

On a Reference.

For making and certifying the copy of a rule of reference, filing report and entering judgment thereon. \$ 1 00

On Appeal from Justice.

For filing and entering transcript of the docket entries of a Justice of judgment and execution 1 00
 For entering appeal, issuing citation, docketing, entering return, and transcribing to the Continuance Docket, no less fee to be charged 4 50
 For entering final judgment, or order dismissing the appeal with judgment for costs 1 00
 For certifying copy of record of an order dismissing an appeal with judgment for costs, or any other copy 50
 and \$.50 for certificate, and additionally two cents per line.
 All other services, proceedings, etc. the same fee as for like services in other suits.

On a Certiorari.

For taking recognizance with surety, issuing writ, citation, receiving and filing record, entering return of writ (entering judgment or issuing procedendo, when necessary) no less fee to be charged 4 50
 For issuing second or subsequent certiorari, to be paid by the Justice if occasioned by his default 1 50
 All other service, the same fees as for like services in other suits.

On Appeal from Register's Orphans' Court.

The same fees as for like services on appeals from Justice.

In Cases of Insolvency.

The same fees as already prescribed by Revised Code, 1893.

On Petitions for Freedom.

The same fees as already prescribed by Revised Code, 1893.

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On Commissions to Mark and Bound.

The same fees as already prescribed by Revised Code, 1893.

On Divorce.

Filing petition and affidavit, issuing writ, entering return, docketing and transcribing to the Continuance, Docket, no less fee to be charged.....	\$ 5 00
Issuing Commission.....	2 00
For making certified copy of decree.....	1 00
For entering order of Court.....	50

Other Services.

For entering and certifying under hand and seal an order for sheriff, executor or administrator to execute a deed conveying land and tenements.....	2 00
For taking bond for security for costs, dissolving an attachment, or any other bond.....	1 00
Entering satisfaction of a judgment, assignment of judgment or marking a judgment to the use of....	25
Search upon application of a person, not an attorney of the Court.....	1 00
Issuing habeas corpus and entering all proceedings thereon	4.25
Issues from Register, Orphans' Court, or an issue framed same fees as for like services in other suits.	
Minute of judgment containing the names of the parties, the real debt or damages, costs, time when interest commences, term and date of entry.....	10.
List of judgments furnished sheriff to enable him to hold inquisition on lands taken in execution, or to apply proceeds of lands under execution, search for each name, twenty-five cents and ten cents for each abstract, besides certificate.	...
Entering a surrender by bail and commitment....	25
For party plaintiff.....	50
For certificate under hand and seal.....	50
For discontinuance	50
For judgment according to rule.....	50

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For certificate to Recorder on issuing scire facias on mortgage	\$	25	
For certificate to Recorder on return of Levari facias (to be taxed by the Sheriff in his costs).....		25	
For drawing check under seal.....		50	
For lien extension by agreement.....	I	00	
For filing petition which does not have to be recorded, and entering order of Court.....		50	
For each continuance.....		25	
For recording petitions, reports, bonds and all other recording, for the first page or fractional part thereof.	I	00	
And for each additional page or fractional part thereof		50	
For inquisition at bar.....	2	00	
For filing petition for a ditch and issuing an order...	2	50	
For making exemplified copy of any record,..... and two cents per line.	I	50	
For making certified copy of any record,..... and two cents per line.		50	
For taking any affidavit.....		50	
For filing any affidavit.....		25	
Inquisition by sheriff's jury.....	2	00	
All other fees of the prothonotary for services in so far as they are not herein provided shall be fixed and regulated by the Superior Court of the State.			
A record page shall consist of forty-five lines, and a line, when used as a measure of computation, shall mean, eight words.			"Page" and "Line" defined
If any person shall neglect or refuse to pay the fees provided for in this Act, for any service or services performed, for ten days after demand in writing by the officer to whom such fees are due, he shall be deemed guilty of a misdemeanor, and upon conviction in the Court of General Sessions, shall be fined ten dollars besides costs of suit.			Failure to pay fees, penalty for
Before any suit, action or other proceeding is instituted in the Superior Court, the prothonotary shall demand and receive the sum of \$10.00, as a deposit of guaranty for the payment of the fees and costs in his office, and he shall apply said sum of \$10.00 from time to time in payment of such fees and costs			Deposit required before docketing suit

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in his office, and shall return to the person depositing the same, any balance remaining after such suit, action or other proceeding is completed; Provided that if said sum of \$10.00 is expended in the payment of the fees and costs in his office as said fees and costs accrue from time to time, the prothonotary shall demand and receive a sufficient amount, which shall be necessary, in his judgment, to defray the fees and costs for additional service or services, before any such additional service or services shall be performed by him.

All Acts or parts of Acts inconsistent herewith are hereby repealed; and all the provisions of this Act shall go into effect upon the approval of the same by the Governor.

Approved March 29, A. D. 1907.

OF THE FEES OF PUBLIC OFFICERS.

CHAPTER 246.

OF THE FEES OF PUBLIC OFFICERS.

AN ACT to Amend Section 12, 13, 14 and 15, Chapter 125, Revised Code of 1893, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 12, Chapter 125, Revised Code of 1893, Laws of Delaware, be amended by striking out all of said Section 12, and inserting in lieu thereof a new Section as follows:

Chapter 125,
Revised Code,
amended

“Section 12: Clerk of The Orphans’ Court.

Clerk of Peace

The following fees shall be charged by the Clerk of the Orphans’ Court:

Fees

For filing any petition, exception, return or other paper,—	\$	50
Recording same per page,.....		50
Recording order thereon per page,.....		50
For taking bond of guardian, administrator or executor	I	00
For taking any other bond and recording same,.....	2	00
For certificate under seal,.....		50
For exemplification of record, fifty cents per page and,		75
For issuing order to appraise minor’s rents,.....	I	00
Recording such order,.....	I	00
Entering approval of Court,.....		50
Recording return of appraisal per page,.....		50
For stating, filing, recording, indexing and furnishing copy of account of guardian or receiver;		
If total amount of principal and income is less than \$300.00,	3	00
If over \$300.00 and less than \$500.00,.....	5	00
If over \$500.00 and less than \$800.00,.....	7	00
If over \$800.00 and less than \$1000.00,.....	8	00
For each \$1000.00 over first \$1000.00,.....		50
and for each page after first two pages,.....		50

OF THE FEES OF PUBLIC OFFICERS.

For issuing order of sale to guardian, trustee, executor or administrator, fifty cents per page and,	\$ 1 00
Recording same per page,	50
For furnishing form for advertisement, fifty cents per page and,	1 00
Furnishing deeds to guardian, administrator or executor,	2 00
Furnishing notices of application to sell real estate, each,	50
Taking affidavit,	50
Drawing mortgage to secure investment,	5 00
Issuing commission in partition, fifty cents per page and,	1 00
Issuing form to freeholders,	1 00
Recording plots or drafts, a sum taxed by the Court.	
Filing and recording release or power of attorney, with one acknowledgment,	1 00
Each additional acknowledgment,	25
Drawing and certifying recognizances, each,	1 00
Recording and indexing same,	1 00
Drawing assignment of lands sold,	1 00
Recording same,	1 00
Issuing subpoena or citation to give evidence, each,	50
Filing interrogatories, giving notice and making entry of filing and notice,	1 00
Furnishing copy of same per page,	50
Issuing commission to take depositions, fifty cents per page, and,	1 00
Publishing return of same and making proper entries,	1 00
Issuing attachment or sequestration,	2 00
Advertising causes on trial list, each,	25
Noting and entering continuance,	1 00
Entering dismissal of exceptions,	50
Entering final decree, in case of allowance of any exception, or any correction in account, fifty cents per page, and,	1 00
For correcting account according to final decree and returning same to Register with certificate,	1 00
For issuing certificate of adoption,	5 00

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Recording any matter proper to be recorded for which no other provision is made, per page,	\$	50
Drawing any paper under seal, fifty cents per page for each page after the first, and		50
Making search where no other service for which a fee is charged, is performed,		25
For entering satisfaction of recognizance,		25
Furnishing Sheriff list of liens or encumbrances, . . .	1	00
Certifying abstract under seal, fifty cents per page and,		50
Furnishing copy of plot or draft, a sum to be taxed by the Court.		

The word "page" where used as a measure of computation shall mean a page of the record not less than fifty lines, eight words to the line, except in reference to account, when a page of the record shall be used for each page of the account. Fractional parts of a page shall be considered a page when the recording does not make full pages."

Section 2. That Section 13, Chapter 125, Revised Code of 1893, Laws of Delaware, be amended by striking out all of said Section 13, and inserting in lieu thereof, a new Section as follows:

"Section 13. REGISTER IN CHANCERY.

Register in
Chancery

The following fees shall be charged by the Register in Chancery:

Fees of

For filing bill, answer, petition, affidavit or exhibit,		50
For entering same,		50
Recording same, (when recorded) per page,		50
Furnishing copy per page,		50
Filing demurrer or other plea and entering same, . . .	1	00
Furnishing copy and notice,	1	00
Taking affidavit,		50
Drawing and recording any bond,	2	00
Issuing any subpoena or other writ, each writ to include all defendants,	1	10
If for service in more than one County, more than one writ be required, for each,	1	10
Issuing attachment or sequestration,	2	00

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Issuing alias pluries, or subsequent writ,	\$ 1 10
Filing interrogatories, giving notice thereof, and making entry of such filing and notice,	1 10
Furnishing copy of same per page,	50
Issuing commission to take depositions, answer or testimony,	2 00
Filing commission returned with depositions or testimony, publishing same and entering publication,	1 00
Entering and noting continuance,	1 00
Taking depositions under rule of Court, per page,	50
Stating, filing, recording, indexing and furnishing copy of account of trustee or receiver:	
If the total amount of principal income is less than \$300.00,	3 00
If over \$300.00 and less than \$500.00,	5 00
If over \$500.00 and less than \$800.00,	7 00
If over \$800.00 and less than \$1000.00,	8 00
Each additional \$1000.00 after first \$1000.00,	50
Each additional page after first two pages,	50
Filing and entering exceptions to an account or answer and entering adjudication thereon,	1 00
Filing articles to impeach a witness,	50
Issuing commission of inquiry ordered by Chancellor,	2 00
Entering and certifying recognizance,	1 00
Recording same,	1 00
Issuing summons in partition, fifty cents per page and,	1 00
Issuing commission in partition, fifty cents per page and,	1 00
Furnishing form of advertisement,	1 00
Recording certificate of deposit,	50
Drawing any paper under seal, per page,	50
Furnishing deeds, each,	2 00
Advertising for liens,	2 00
Entering appearance,	50
Entering Sheriff's return,	50
Recording any paper proper to be recorded, per page,	50
Recording plot or draft, or copying plot or draft, a sum to be taxed by the Chancellor.	

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Affixing seal of Court to any writing not hereinbefore provided for,.....\$	50
Making search where no other service for which a fee is allowed, is provided,.....	25
Copy of exemplification of record under seal not otherwise provided for, fifty cents per page, and, . .	50
Notice to stockholders and creditors, each,.....	25
Filing claims, each,.....	50

The word "page" where used as a measure of computation in this Section shall mean a page of the record not less than fifty lines, eight words to the line, except in reference to accounts, when a page of the record shall be used for each page of the account. Fractional parts of a page shall be considered a page when the recording does not make full pages."

Section 3. That Section 14, Chapter 125, Revised Code of 1893, Laws of Delaware, be amended by striking out all of said Section 14, and inserting in lieu thereof a new Section, as follows:

"Section 14. REGISTER OF WILLS:

	Register of Wills
	Fees of
For filing petition for granting letters or administration or testamentary,.....	1 00
For granting letters of administration under seal, taking bond and making registry thereof, if the estate be under \$100.00,.....	1 25
Over \$100. and less than \$500.,.....	2 00
Over \$500. and less than \$1000.,.....	3 00
Over \$1000. and less than \$5000.,.....	5 00
Over \$5000. and less than \$10,000.,.....	8 00
Over \$10,000. and less than \$20,000.,.....	12 00
Over \$20,000. and less than \$50,000.,.....	15 00
Over \$50,000. and less than \$75,000.,.....	20 00
Over \$75,000. and less than \$100,000.,.....	25 00
Each additional \$100,000. over the first \$100,000.,	10 00
Taking and registering probate of will,.....	2 00
For granting letters testamentary under seal, same as for letters of administration.	

OF THE FEES OF PUBLIC OFFICERS.

Copy of will annexed to letters testamentary, two cents per line of eight words.	
Entering renunciation,.....	\$ 25
Making and registering order for advertising letters of administration or testamentary,.....	1 00
Hand bills,	1 00
Filing inventory, and making registry of such filing and of appraised value of goods and chattels therein,	25
Filing list of debts,.....	25
Adjusting and settling accounts, certifying such settlements if the sum of debts and credits, inclusive of interest calculated shall not exceed \$100.00,	1 00
Over \$100.00 and not exceeding \$1000.00, one per cent.	
"On the next one thousand dollars or any part thereof, and on all sums in excess of one thousand dollars and not exceeding five thousand dollars one-half of one per cent; and on the next thousand dollars or any part thereof and on all sums in excess of five thousand dollars one-quarter of one per cent."	
For recording and indexing, direct and indirect, accounts and settlement, where the total estate does not exceed \$100.00,.....	1 00
Over \$100.00 and not exceeding \$500.00,.....	3 00
Over \$500.00 and not exceeding \$1000.00,.....	5 00
And for every additional \$500.00, or fractional part thereof, in excess of \$1000.00, fifty cents.	
Entering caveat,.....	50
Issuing citation,.....	50
Issuing subpoena to give evidence, all witnesses named before the issuing of the subpoena to be named therein,	50
Issuing an attachment,	1 00
Taking depositions at large upon the litigation of a cause, two cents per line, and twenty-five cents additional for each deposition.	
Entering interlocutory order upon the litigation of a cause,	50

OF THE FEES OF PUBLIC OFFICERS.

Entering sentence or decree upon the actual litigation of a cause,.....	\$ 1 00
Filing petition or application for revoking letters of administration or testamentary,.....	1 00
Fee for sitting in trial of cause, per day,.....	5 00
For recording release, acquittance or receipt,.....	1 00
Fee for acknowledging an acquittance, or any paper necessary to have acknowledgment thereto,.....	50
For recording will and probate, or any other writing proper to be recorded, and not herein provided for, two cents per line of eight words.	
Certifying an extract, two cents per line of eight words.	
Affixing seal of office to any writing not hereinbefore mentioned, and for which no other fee is allowed,..	50
Making search,	25
Copy of exemplification of a record under seal not before provided for, two cents per line of eight words."	

Section 4. That Section 15, Chapter 125, Revised Code of 1893, Laws of Delaware, be amended by striking out all of said Section 15 from and including the word "For" in the second line of said Section, to and including the figures "37" in the sixteenth line of said Section, and inserting in lieu thereof the following:

Chapter 125,
Revised Code,
amended

"The following fees shall be charged by the Recorder of Deeds:

Recorder of
Deeds

- For recording, comparing and certifying an official obligation, One dollar.
- For recording, comparing and indexing a Private Act of Assembly, deed, mortgage, chattel mortgage, release, assignment, contract of marriage, or other paper proper to be recorded, one dollar and fifty cents for the first two record pages or under, and for every additional page or fractional part of a page, fifty cents.
- Certificate of Incorporation and Certificate of Amendment of Incorporation, four pages or less,

Fees of

OF THE FEES OF PUBLIC OFFICERS.

three dollars and fifty cents. Each additional page, fifty cents.

For certificate under hand and seal of office, fifty cents.

For certified copy, office copy or exemplified copy of any record, two cents per line.

For noting satisfaction of mortgage, fifty cents.

For certificate under hand, of the date of receiving mortgage for record, twenty-five cents.

For furnishing list of mortgages under hand and seal of office to Sheriff for holding inquisitions on lands taken in execution, or applying proceeds of sale of lands taken in execution or otherwise, one dollar.

Conveyance and lien searches, time consumed in making same, one dollar for first hour and fifty cents additional for each additional hour.

For filing certificate of Prothonotary, and noting on margin of mortgage return on writ of levavi Facias, twenty-five cents.

For noting on margin of record of mortgage, names of parties, number of writ and term in scire facias proceedings, upon certificate of Prothonotary, twenty-five cents.

For preparing and furnishing abstract of mortgage in scire facias proceedings, two cents a line.

Registering deeds in Registry Bureau of the City of Wilmington, twenty-five cents for each property described".

"Page" and
"Line" defined

Section 5. A record page shall consist of forty-five lines, and a line, when used as a measure of computation shall mean eight words, but the provisions of this Section shall apply only to Section 4 of this Act.

Penalty for
refusal to pay
costs

Section 6. If any person shall neglect or refuse to pay the fees provided in this Act, for any service or services performed, within ten days after written demand from the officer to whom such fees are due, he shall be deemed guilty of a misdemeanor, and upon conviction in the Court of General Sessions shall be fined ten dollars besides costs of suit.

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Section 7. That this Act shall in no wise amend, repeal or in any way affect any Acts of the General Assembly other than Sections 12, 13, 14 and 15, Chapter 125, Revised Code of 1893, and Section 5, Chapter 159, Volume 13, Laws of Delaware, which said Sections are hereby repealed.

Repealer

'Approved March 29, A. D. 1907.

CHAPTER 247.

OF THE FEES OF PUBLIC OFFICERS.

AN ACT to Regulate and Fix the Fees of the Register of Wills, and the Recorder of Deeds for New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Section 1. That from and after the approval of this Act the Register of Wills for New Castle County and the Recorder of Deeds for New Castle County in lieu of the fees now provided by law, shall for the services herein specified collect the following fees to wit:

Fees of officers in New Castle County

Section 2. REGISTER OF WILLS.

Register of Wills

For filing petition for granting of letters of administration or testamentary,.....	\$	50
For granting letters of administration under seal, taking bond and making registry thereof and appointing appraisers, if the estate does not exceed \$100,.		1 25
Over \$100. and not exceeding \$500.,.....		2 00
Over \$500. and not exceeding \$2000.,.....		3 00
Over \$2000. and not exceeding \$5000.,.....		4 00
Over \$5000 and not exceeding \$10,000.,.....		7 00

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Over \$10,000. and not exceeding \$20,000.,.....	\$10 00
Over \$20,000. and not exceeding \$50,000.,.....	12 00
Over \$50,000. and not exceeding \$75,000.,.....	15 00
Over \$75,000. and not exceeding \$100,000.,.....	20 00
Over \$100,000.,	25 00
Taking and registering probate of will,.....	2 00
For granting letters testamentary under seal, same as for letters of administration.	
Copy of will annexed to letters testamentary, one and one-half cents per line of eight words.	
Entering renunciation,.....	25
Making and registering order for advertising letters of administration or testamentary,.....	1 00
Hand Bills,.....	1 00
Filing inventory, and making registry of such filing and of appraised value of goods and chattels there- in,	25
Filing list of debts,.....	25
Taking affidavit,	25
Filing. adjusting and settling account, certifying such settlement, if the sum of debts and credits, inclusive of interest calculated shall not exceed \$100.00,...	1 00
Over \$100. and not exceeding \$500.,.....	2 00
Over \$500. and not exceeding \$1000.,.....	3 00
Over \$1000. and not exceeding \$5000.,.....	5 00
Over \$5000. and not exceeding \$10,000.,.....	8 00
Over \$10,000. and not exceeding \$15,000.,.....	10 00
Over \$15,000. and not exceeding \$20,000.,.....	12 00
Over \$20,000. and not exceeding \$30,000.,.....	15 00
Over \$30,000. and not exceeding \$40,000.,.....	17 50
Over \$40,000. one fourth of one per cent.	
For copy of account fifty cents per page, provided that each page of the account as stated shall con- stitute a page.	
For recording and indexing, direct and indirect, ac- counts and settlements, where the total estate does not exceed \$100.00,.....	1 00
Over \$100.00 and not exceeding \$500.00,.....	2 00
Over \$500.00 and not exceeding \$1000.00,.....	3 00
And for every additional \$500.00, or fractional part thereof, in excess of \$1000.00, 25 cts.	

OF THE FEES OF PUBLIC OFFICERS.

Entering caveat,.....	\$	50
Issuing citation,.....		50
Issuing subpoena to give evidence, all witnesses named before the issuing of the subpoena to be named therein,.....		50
Issuing an attachment,.....	I	00
Taking depositions at large upon the litigation of a cause, two cents per line, and twenty-five cents ad- ditional for each deposition.		
Entering interlocutory order upon the litigation of a cause,.....		50
Entering sentence or decree upon the actual litiga- tion of a cause,.....	I	00
Filing any petition, exception or other paper,.....		50
Fee for sitting in trial of cause, per day,.....	5	00
For Recording release, acquittance or receipt,.....	I	00
And for each additional acknowledgment or certifi- cate,		25
Fee for acknowledging an acquittance, or any paper necessary to have acknowledgment thereto,.....		50
For recording will and probate, or any other writing proper to be recorded, and not otherwise provided for, one and one half cents per line of eight words.		
Certifying an extract, two cents per line of eight words.		
Affixing seal of office to any writing not hereinbe- fore mentioned, and for which no other fee is al- lowed,		50
Making search,		25
Copy or exemplification of a record under seal not before provided for, one and one-half cents per line of eight words.		
In recording any will or paper or in giving any copy or exemplification of any paper, account or record, which does not make one full page of the record the same shall be considered as a full page.		

Section 3. RECORDER OF DEEDS.

Recorder of
Deeds

For recording, comparing and certifying an official
obligation, One Dollar.

For recording, comparing and indexing a private

OF THE FEES OF PUBLIC OFFICERS.

Act of Assembly, deed, mortgage, chattel mortgage, release, assignment, contract of marriage, or other paper proper to be recorded, one dollar and twenty-five cents for the first two record pages or under, and for every additional page or fractional part of a page, fifty cents.

Certificate of Incorporation and Certificate of Amendment of Incorporation, four pages or less, three dollars and fifty cents. Each additional page, fifty cents.

For certificate under hand and seal of Office, fifty cents.

For certified copy, office copy or exemplified copy of any record, two cents per line.

For noting satisfaction of mortgage, fifty cents.

For certificate under hand, of the date of receiving mortgage for record, twenty-five cents.

For furnishing list of mortgages under hand and seal of office to Sheriff for holding inquisitions on lands taken in execution, or applying proceeds of sale of lands taken in execution or otherwise, one dollar.

Conveyance and lien searches,—time consumed in making same, one dollar for first hour and fifty cents additional for each additional hour.

For filing certificates of Prothonotary, and noting on margin of mortgage return on writ of levavi facias, twenty-five cents.

For noting on margin of record of mortgage, names of parties, number of writ and term in scire facias proceedings, upon certificate of Prothonotary, twenty-five cents.

For preparing and furnishing abstract of mortgage in scire facias proceedings, two cents a line.

Registering deeds in Registry Bureau of the City of Wilmington, twenty-five cents for each property described.

A record page shall consist of fifty lines, and a line, when used as a measure of computation shall mean eight words.

Section 4. If any person shall neglect or refuse to pay the fees provided in this Act, for any service or

OF THE FEES OF PUBLIC OFFICERS:

services performed, within ten days after written demand from the officer to whom such fees are due, he shall be deemed guilty of a misdemeanor, and upon conviction in the Court of General Sessions shall be fined ten dollars besides cost of suit.

Section 5. That Chapter 125 of the Revised Statutes of the State of Delaware, and Section 5 of Chapter 159 of Volume 13, Laws of Delaware, and all other Acts or parts of Acts inconsistent herewith, in so far as they affect the fees of the Register of Wills for New Castle County, and the Recorder of Deeds for New Castle County, are hereby repealed.

Repealer

Approved April 4, A. D. 1907.

OF THE FEES OF PUBLIC OFFICERS.

CHAPTER 248.

OF THE FEES OF PUBLIC OFFICERS.

AN ACT in Relation to Fees of Justices of the Peace and Constables.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the following shall be the legal fees for services in cases before a Justice of the Peace.

Justice of the
Peace
Fees of

TO A JUSTICE OF THE PEACE:

For issuing a summons, scire facias or attachment (except execution attachments).....	\$	50
One subpoena for witness.....		25
Other subpoenas for the same party, in the same case	10	each
But more than two shall not be taxed for the same party; if ordered, they shall be at his costs.		
For swearing or affirming witness in a case.....		10
Appointing, summoning and swearing referees.....		50
(But only one such fee, unless there shall be a new trial, and then not more than two in any case).		
Entry of bail or surety, including all.....		25
For postponing a case, to be paid by the party asking for postponement before the same shall be granted.		15
Entering judgement		30
Entering Judgment on obligation and warrant		50
Every affidavit certified and filed.....		30
Entering rule to take depositions.....		15
Transcript of docket entries or full copy of records, duly certified		75
Copying interrogatories per line, one cent.....		01
Every execution		30
Filing and entering the return to an execution.....		30
Writing advertisements of attachment.....		50
For a probate		25
For taking a deposition or affidavit.....		25

OF THE FEES OF PUBLIC OFFICERS.

For dispensing a marriage license, to be paid by party\$ 50
 In proceedings for a penalty, the same fee as in other civil cases; unless the law imposing the penalty provides otherwise.

IN CASES OF ATTACHMENT FOR RENT.

For every affidavit certified and filed..... 30
 For issuing attachment 50
 For entering return and filing attachment..... 25
 For making order for sale of goods..... 25
 For summoning and swearing referees..... 50
 For swearing garnishees, taking answer and rendering judgment, for each garnishee 25
 For rendering judgment on report of referees.... 30

IN CRIMINAL CASES:

For taking and filing affidavit or deposition..... 25
 For issuing warrant of arrest or commitment..... 25
 Taking and certifying any recognizance in any case of a criminal nature (for one or more)..... 25
 Issuing subpoena for witnesses (either side) for the first writ 15
 Subsequent writs for either party..... 10
 (each writ shall include all the witnesses named for same party, before issuing it).
 Swearing and examining witness (Justice not to charge for more than ten witnesses),..... 10
 Entering judgment in any case of a criminal nature.. 15

IN BASTARDY CASES.

The same fees as for like services in other criminal cases, and additionally,
 For entering orders of indemnity and maintenance, for both,..... 30
 Drawing and taking bond of indemnity..... 50
 Deposition of mother 50
 In proceedings for forcible entry, or detainer, or for holding over, the same fees as for like services in other cases; and additionally, for attendance, during the trial..... I 50

OF THE FEES OF PUBLIC OFFICERS.

Drawing up the records.....	\$	50
Issuing warrants of possession.....		50
The witnesses in such proceedings, the jurors, and the sheriff, or officer, for serving subpoena or attachment for contempt, or on execution process, have the same fees as provided in Chapter 125, Revised Code.		

Constable

TO A CONSTABLE OR SHERIFF:

Fees of

For serving and returning a summons, or scire facias on one or more defendants, including all services in a cause before judgment, except mileage and summoning witness and referees.....		50
Mileage in serving and returning a summons or scire facias at the rate of three cents for each mile necessarily traveled.		
If no service be made, there shall be no fee or allowance of mileage, except in case of a scire facias when judgment shall be rendered thereon.		
Giving notice of an application for, or time of a new trial		50
For summoning referees (only one fee to be allowed unless there be a new trial and then only two)...		50
Mileage in summoning referees the same as in the case of witness.		
For summoning witness, each		15
And three cents for each mile necessarily traveled, to be counted as if all the witnesses for the same party were named in the same writ and summoned at the same time.		
For summoning garnishees on execution, or other attachment, for each garnishee (and mileage as in the case of witnesses)		30
For posting advertisements of attachment (all) with mileage at the rate of three cents per mile, going to and returning from the Court House, where one of said advertisements must by law be posted.		50
For serving attachment to bring body.....		50
And mileage as in the case of a summons duly served, but if the attachment is issued through the fault of an officer, he shall pay this and the justice's fee.		

OF THE FEES OF PUBLIC OFFICERS.

For taking goods on attachment (other than execution attachment) returning inventory and appraisal, if the goods do not exceed \$15.00 in value	\$	60
If they exceed that sum		1 00
And mileage as in the case of witnesses.		
But if the goods be sold on execution, no fee shall be charged for taking on that execution.		

ON EXECUTIONS.

For giving notice to plaintiff on each execution in his hands of day of sale of goods		15
For taking goods in execution		50
Making inventory, appraisal and return		50
Advertising, selling goods	1	00
Collecting on execution, without sale (if the writ shall have been in his hands fifteen days before the money is paid)		80
On all sums collected when the execution exceeds Fifty Dollars (\$50) there shall also be allowed three per cent in addition to the above fees.		
For a return of "No goods"		15
Mileage on execution, the same as in case of summoning witnesses.		
For conveying a person to jail		50
And three cents per mile from the place of arrest to the jail, and back to the justice's office.		
For serving a warrant in a criminal case, or for bastardy		50
Conveying defendant from one county to another, five cents per mile going and returning.		
Summoning witnesses and conveying a person to jail and for levying execution in a bastardy case, the same fees as for like services on civil process.		

ATTACHMENT FOR RENT.

For attaching goods and making inventory and returning the same, One Dollar, when the demand for rent shall not exceed Two Hundred Dollars, and Two Dollars when the demand shall exceed

OF THE FEES OF PUBLIC OFFICERS.

that sum, and mileage as in case of summoning witnesses.

- For advertising goods on order of justice.....\$ 50
- For selling goods, two per cent on the amount of sales applied to rent.
- For summoning garnishees, referees, and witnesses, the same fees as are allowed in other civil cases.

TO A WITNESS:

- For each day's attendance..... 50
- And three cents per mile from the witness's house to the place of trial and back.
- For the referees who actually try the cause, each, and mileage the same as jurors..... 50

To the Parties Respectively:

- For each deposition taken..... 50

But more than One Dollar shall not be allowed by either party for depositions in a case before the justice, nor more than Five Dollars on appeal.

The justice shall tax the fee for every such service; no other fee shall be allowed; no mileage shall be allowed unless it be expressly given; in no case shall a fee be charged for a service not performed; and every officer or person receiving a fee, shall, upon demand give a receipt specifying the items.

If any officer or person shall, knowingly, receive any greater or more or less fees than is herein allowed for the services specified, or shall refuse to give such receipt or shall add any item not herein specified, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined, not exceeding Sixty Dollars.

Section 2. That all laws or parts of laws inconsistent with the passage of this Act are hereby repealed.

Approved March 15, A. D. 1907.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 249.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to Amend Section 5 Chapter 127 of the Revised Code, Enlarging the Term of Imprisonment for the Crime of Manslaughter.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 5 Chapter 127 of the Revised Code be and the same is hereby amended, by striking out of the sixth line of said Section the word "five", and inserting in lieu thereof the word "ten."

Chapter 127,
Revised Code,
amended
Enlarging im-
prisonment for
manslaughter

Approved March 29, A. D. 1907.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 250.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT Providing a Punishment for Persons Trespassing upon Lands and Premises and Committing Depredations Thereon in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Trespassing and making depredation on lands in New Castle county a misdemeanor

Section 1. If any person shall willfully enter into, upon or tresspass upon the ways, lands or premises of another in this State, and shall wilfully damage, destroy or injure the real or personal property located or being thereon, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-five Dollars nor more than One Thousand Dollars, or be imprisoned for a term not exceeding one year, or both, in the discretion of the Court.

Penalty

Officers who may arrest, with or without warrant

Section 2. Any constable, or other conservator of the peace, the owner or occupier of such ways, lands or premises, or personal property, his agent or employee, or any other person or persons whom he or any of them may call to their or his assistance shall have authority to arrest such trespasser, either with or without warrant, either upon the premises, or in immediate flight therefrom, and if with warrant, then at any place. The proceedings for commitment and trial of such person shall be as provided by law as in cases of other misdemeanors.

Fine imposed, how disposed of

Section 3. One-half of the fine imposed under the provisions of this Act shall be paid to the person or persons making the arrest.

Act to apply to New Castle County only

Section 4. The provisions of this Act shall apply exclusively to New Castle County and are in addition to any and all laws, and shall not be construed to alter or repeal any other law of the State of Delaware now existing covering the offenses provided for in this Act, or any of them.

Approved March 5, A. D. 1907.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 251.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT Defining Certain Misdemeanors Concerning the Books of the Law Library Association of New Castle County, and Prescribing Penalties Therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Any person who shall enter the rooms wherein are kept the books of the Law Library Association of New Castle County, for the purpose of using any of said books, such person owning no stock in said corporation, and not being there with the consent and by the authority of a stockholder; or any person who shall remove any of said books from said room contrary to the by-laws of said corporation, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding fifty dollars.

Entry into room, using books or carrying books away without authority of stockholders of Law Library Association, a misdemeanor

Penalty

Section 2. Any Justice of the Peace in Wilmington Hundred, shall have authority to hear, try and finally determine any complaint brought under this Act.

Justice may hear and determine

Approved April 4, A. D. 1907.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

CHAPTER 252.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.
AN ACT Defining Certain Nuisances in Public Conveyances on Railways
and Railroads and Prescribing Penalties Therefor.*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*Drinking in-
toxicants on
railways or
railroad cars, a
misdemeanor

Penalty

Proviso:
Exempting
dining or
buffet carsJustice has
jurisdiction to
hear and
determine

Section 1. Any person who shall in any public conveyance or car upon any railway or railroad within this State, drink, or offer to drink, or tender to any other person to drink, any beer, wine or any intoxicating liquor, shall be deemed guilty of a public nuisance, and upon conviction thereof shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding Twenty-five dollars or imprisonment not exceeding thirty days, or both; provided that this Act shall not apply to any person drinking, or offering to drink, or tendering to any other person to drink, any wine, beer or intoxicating liquors upon any dining or buffet car upon railroad trains while traveling in or through this State.

Section 2. Any Justice of the Peace in any County within which this offense shall be committed, shall have authority to hear, try, and finally determine any complaint brought under this Act.

Approved March 21, 1907.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

CHAPTER 253.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT Defining Certain Nuisances in Public Conveyances on Railways and Prescribing Penalties therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Any person who shall, in any public conveyance or car upon any railway within this State, spit upon the floor of such public conveyance or car, shall be deemed guilty of a public nuisance, and upon conviction thereof shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding Ten dollars.

Spitting on floor of railway a misdemeanor

Penalty

Section 2. Any Justice of the Peace in any county in which this offense shall be committed, shall have authority to hear, try, and finally determine any complaint brought under this Act.

Justice may hear and determine

Section 3. The word "railway" used in Section 1 of this Act shall be construed to mean a railway operating by any other power than steam.

"Railway" defined

Approved March 21, A. D. 1907.

OF OFFENCES AGAINST PUBLIC POLICY.

CHAPTER 254.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT to Amend Section 5 Chapter 131 of the Revised Code, enlarging the Term of Imprisonment for the Crime of Bigamy.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 181,
Revised Code,
amended,
enlarging pen-
alty for Bigamy

Section 1. That Section 5 Chapter 131 of the Revised Code be and the same is hereby amended by striking out of the eighth line of said Section the words "one year" and inserting in lieu thereof the words "six years."

Approved March 29, A. D. 1907.

CHAPTER 255.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to Amend Chapter 454, Volume 11, Laws of Delaware, entitled "An Act for the Suppression of Gaming," Relating to the Playing of Crap.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Chapter 454,
Volume 11,
amended,

Crap playing a
misdemeanor

Penalty

Section 1. That if any person shall take part in, or in any way engage in a certain form of gaming commonly known as "crap" in which money or other valuable thing is played for, by means of dice, such person shall be deemed guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace in this State, shall be fined in a sum of not less than five dollars and not more than twenty-five dollars, and in default of the payment of such fine shall be

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OF OFFENCES AGAINST PUBLIC POLICY.

imprisoned in the county jail or workhouse for a period of not less than ten nor more than thirty days, at the discretion of the court. Any such offender may be arrested by any officer authorized under the laws of this State to make arrests, either with or without a warrant.

Approved March 21, A. D. 1907.

CHAPTER 256.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to Make Certain Statements Made Under Oath or Affirmation a Misdemeanor and to Provide for the Punishment thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Any person, who shall under oath or affirmation make any false statement in any matter or thing required by the laws of this State to be done, or in compliance there with, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars or imprisoned for a term of not more than three years or both in the discretion of the Court.

Approved March 21, A. D. 1907.

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RESOLUTIONS.

CHAPTER 257.

House Joint Resolution relating to the Printing, Publishing and Distribution of any Laws of the States of Delaware and New Jersey respecting the Delaware River and Bay, passed according to the terms of the provisions of the compact between the States of New Jersey and Delaware.

Preamble

Whereas the General Assembly of Delaware at its session in 1905 passed an Act entitled "An Act to ratify and confirm a Compact or Agreement between the States of New Jersey and Delaware, respecting the Delaware River and Bay, and to authorize the execution thereof", which act received the approval of the Governor of the State of Delaware; and the Legislature of the State of New Jersey passed an Act of the same title and of the same purport, which act received the approval of the Governor of the State of New Jersey; and the said Compact executed pursuant to said authority hath been duly approved by the Congress of the United States, and

Preamble

Whereas it is provided and agreed by said Compact or Agreement between said States, among other things, that each State shall pass concurrent legislation and uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between said two States; and

Preamble

Whereas the State of Delaware has at its present session passed certain laws relating to the catching and taking of fish in the Delaware River and Bay between said two States, and is to adjourn sine die this day; and

RESOLUTIONS.

Whereas the Legislature of the State of New Jersey has ^{Preamble} not passed any laws pursuant to the said Compact relating to the catching and taking of fish in the Delaware River and Bay between said two States, which have come to the knowledge of this General Assembly; now therefore

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That the Secretary of State of the State of Delaware be ^{Secretary of State authorized to publish uniform fishing laws, when} and he is hereby authorized, empowered and directed, upon notification of the passage of any law by the Legislature of the State of New Jersey, similar to the act passed by the General Assembly of Delaware, relating to the catching and taking of fish in the Delaware River and Bay between said two States, to forthwith print, publish and distribute fifteen hundred copies of the said uniform laws among the members of the present General Assembly pro rata, whose representative or senatorial districts border upon the Delaware Bay or River; and the State Treasurer is hereby authorized and directed to pay on the warrant of the Secretary of State, out of any money in the State Treasury not otherwise appropriated, such sum or sums of money as may be necessary to ^{Distribution of same} cover the cost of carrying out the intent of this resolution.

Approved April 23, A. D. 1907.

RESOLUTIONS.

CHAPTER 258.

Senate Joint Resolution providing for a Joint Committee of both Houses to Investigate and Make Report on the Advisability of Erecting a new State House and its Location.

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Joint Committee to investigate the advisability of building new State House

That a Joint Committee of two on the part of the Senate and three on the part of the House be appointed by the respective presiding officers of the Senate and House, whose duties it shall be to investigate and made report on the advisability of erecting a new State House and its location, and the probable cost thereof. The said Joint Committee is hereby directed to report as above as speedily as possible.

Approved January 31, A. D. 1907.

CHAPTER 259.

Joint Resolution accepting the Moneys Appropriated under an Act of Congress, approved March 16th, 1906, entitled "An Act to Provide for an increased Annual Appropriations for Agricultural Experiment Stations, and Regulating the Expenditure thereof".

Be it Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Accepting funds appropriated by act of Congress for Agricultural and Experimental Stations

That this State hereby accepts the grant of money authorized by the Act of Congress, approved March 16th, 1906, entitled "An Act to Provide for an increased Annual Appropriation for Agricultural Experiment Stations, and Regulating the Expenditure thereof", assents to the pur-

RESOLUTIONS.

pose of said grant and designates and appoints the Board of Trustees of Delaware College to receive and expend such moneys as may come to this State under the provisions of said above mentioned Act of Congress.

Approved March 5, A. D. 1907.

CHAPTER 260.

House Joint Resolution No. 4.

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Congress of the United States be requested to pass the necessary legislation that will place Lieutenant Colonel Harry G. Cavanaugh, United States Army retired, on the retired list of the United States Army as a Brigadier General, and be it further

Lieut. Colonel
Harry G. Cavanaugh,
Congress requested
to retire him a
Brigadier
General

Resolved, that our Senators and Representatives in Congress be presented with a certified copy of this resolution, and that they be urgently requested to do all in their power to further the object and intent of this resolution.

Approved January 21, A. D. 1907.

RESOLUTIONS.

CHAPTER 261.

Joint Resolution Proposing an Amendment to the Constitution of the United States, Prohibiting Polygamy and Polygamous Cohabitation within the United States.

Preamble

Whereas, It appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof, and

Preamble

Whereas, The practice of polygamy is generally condemned by the people of the United States and there is a demand for more effectual prohibition thereof, by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Proposing an amendment to Constitution of United States prohibiting polygamy

That application be and is hereby made to Congress, under the provisions of Article Five of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the Legislatures of all other States of the United States now in session, or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or equivalent resolution.

Resolved further, That the Secretary of State be and hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said bodies, representing this State therein; also to transmit copies hereof to the Legislatures of all other States of the United States.

Approved February 11, A. D. 1907.

RESOLUTIONS.

CHAPTER 262.

House Joint Resolution entitled: Joint Resolution Regarding a Bill in the Congress of the United States relating to the Fifth and Sixth Regiments of Delaware Volunteers.

Whereas, There has been introduced in the Senate and ^{Preamble} House of Representatives of the United States of America a bill to fix the status of the Fifth and Sixth Regiments of Delaware Volunteers, providing that in the administration of the pension laws the officers and enlisted men who were members of the Fifth and Sixth Regiments of Delaware Volunteers in the Civil War shall hereafter be held and considered to have been continuously in the active service of the United States from the date of their muster into said service to the date of their muster out or discharge from said service:

Therefore be it resolved,

That the Senate and House of Representatives of the United States of America be and they are hereby requested to pass with all possible speed the said bill; and be it further ^{Respecting 5th and 6th Regiments of Delaware Volunteers}

Resolved, That our Senators and Representative in Congress be furnished with a certified copy of this resolution and that they be earnestly requested to do all in their power to secure the passage of said bill.

Approved January 17, A. D. 1907.

RESOLUTIONS.

CHAPTER 263.

Senate Joint Resolution Authorizing and Directing the State Treasurer to Transfer the Sum of Five Thousand and Nine Hundred Dollars (\$5,900) from the General Fund to the School Fund.

Preamble

Whereas, by an inadvertance, the sum of Five Thousand and Nine Hundred Dollars (\$5,900) which was paid into the State Treasury on July 3rd, 1902, by the County Treasurer of Sussex County on account of a loan of Five Thousand Dollars (\$5,000) made to Sussex County from the Surplus Fund of the State belonging to the School Fund, as provided in Chapter 108, Volume 9, Laws of Delaware, and of interest upon the same, was erroneously placed to the credit of the Gneeral Fund, and

Preamble

Whereas, it is desirable, as provided in Article X, Section 4, of the Constitution of the State of Delaware, that no part of the funds properly belonging to the School Fund shall be used for any other purposes,

Authorizing
State Treasurer
to transfer to
School Fund
certain moneys
credited to
General Fund

Therefore, be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the State Treasurer be and he is hereby authorized and directed to transfer the said sum of Five Thousand and Nine Hundred Dollars (\$5,900) from the General Fund to the School Fund, and to place the sum of Five Thousand Dollars (\$5,000) to the credit of the permanent investments of the School Fund to be invested in such manner as may be provided by Law, and to place the sum of Nine Hundred Dollars (\$900) to the credit of the current resources of the School Fund to be expended as are the proceeds from other investments of the School Fund.

Approved January 17, A. D. 1907.

RESOLUTIONS.

CHAPTER 264.

Senate Joint Resolution Authorizing the State Librarian to Deliver to the Jamestown Ter-Centennial Commissioners of Delaware, Flags, Pictures and other articles in the State House belonging to the State, for the Delaware Building at the Jamestown Exposition.]

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

That the State Librarian is hereby authorized, empowered and directed to deliver to the Jamestown Ter-Centennial Commissioners of Delaware, upon their request, such flags, pictures and other articles in the State House, in his custody, which the said Commissioners may desire for the use of the Delaware building at the Jamestown Exposition.

Authorizing
State Librarian
to deliver cer-
tain property
to Jamestown
Commission

That the said State Librarian shall be exempt from any liability for damage to or destruction of such articles from the time such articles are delivered to said Commissioners until they are received by him from them.

Approved April 4, A. D. 1907.

RESOLUTIONS.

CHAPTER 265.

Joint Resolution Regulating the Purchase and Furnishing all Printing and Supplies to be Used by the Present Session of the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Relative to
printing and
supplies for
General
Assembly

That all printing and supplies required to be furnished and used by either House of the present session of the General Assembly shall be done and furnished under contract made by the Board of State Supplies, which said Board is hereby authorized and directed to make such contracts with the lowest responsible bidder or bidders therefor: provided that the said Board shall not be compelled to advertise in the newspapers of the State for such bids for such printing and supplies.

Approved January 14th, A. D. 1907.

CHAPTER 266.

House Joint Resolution Providing for a Committee to Audit the Accounts of Certain State Officers.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

audit of ac-
counts of cer-
tain State
Officers

Section 1. That the Committee on Accounts of the Senate and Committee on Accounts of the House be and they are hereby constituted a committee to audit the accounts of the State Treasurer, Secretary of State, State Librarian, Insurance Commissioner, Audit of Accounts and Board of Trustees of the State Hospital for the Insane at Farnhurst, and to employ expert assistance and report their findings to the General Assembly on or before the 20th day of February, A. D. 1907.

Approved January 29, A. D. 1907.

RESOLUTIONS.

CHAPTER 267.

House Joint Resolution Authorizing the Secretary of State to have Printed the Election Laws.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Secretary of State be and he is hereby authorized and directed to have printed in pamphlet form with an index thereto, two thousand copies of the Election and Registration Laws with the recent amendments thereto, for the information of those who register the vote and hold the elections of this State.

Authorizing the Secretary of State to print the Election Laws

Approved March 9, A. D. 1907.

CHAPTER 268.

House Joint Resolution Authorizing the Secretary of State to have Printed the General Corporation Law as Amended.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Secretary of State is hereby authorized and directed to have printed in pamphlet form, with a proper index thereto, three thousand copies of the General Corporation Law as amended, together with the Annual Franchise Tax Law, as amended, for public distribution in order to further the interests of the State.

Authorizing Secretary of State to print the Corporation Laws

Approved March 4, A. D. 1907.

RESOLUTIONS.

CHAPTER 269.

House Joint Resolution Authorizing the Secretary of State to have Printed the Constitution of the State of Delaware.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorizing
Secretary of
State to publish
the Constitu-
tion

That the Secretary of State is hereby authorized and directed to have printed in pamphlet form, with a proper index thereto, two thousand five hundred copies of the Constitution of the State of Delaware, as amended, for distribution among the people of the State.

Approved March 9, A. D. 1907.

CHAPTER 270.

House Joint Resolution Authorizing the Secretary of State to have Printed the School Laws.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorizing
the Secretary
of State to print
the School
Laws

That the Secretary of State is hereby authorized and directed to have printed in pamphlet form, with a proper index thereto, one thousand copies of the School Laws for the Free Public Schools of the State, as amended, for distribution among the people of the State.

Approved March 9, A. D. 1907.

RESOLUTIONS.

CHAPTER 271.

House Joint Resolution No. 11.

House Joint Resolution Authorizing the Adjutant General to have Printed
Five Hundred Copies of his Report.

*Be it resolved by the House of Representatives and Senate of
the State of Delaware in General Assembly met:*

That the Adjutant General is hereby authorized to have printed five hundred copies of his last report, three hundred copies to be bound in cloth and two hundred copies to be bound in paper. Authorizing
the Adjutant
General to
print his
report

Approved February 4, A. D. 1907.

CHAPTER 272.

Joint Resolution Appointing Directors for the Farmers' Bank of the State
of Delaware for the Branch at Wilmington.]

*Be it resolved by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

That William Baxter, J. Ernest Smith and Henry C. Conrad be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the branch at Wilmington. Directors of
Farmers'
Bank at Wil-
mington

Approved March 5, A. D. 1907.

RESOLUTIONS.

CHAPTER 273.

Joint Resolution Appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware at Dover.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Directors of
Farmers' Bank
at Dover

That Thomas C. Roe, George H. Gildersleve and George H. Murray, be and they are hereby appointed Directors on the part of the State of the Farmers' Bank, of the State of Delaware for the Branch at Dover.

Approved March 5, A. D. 1907.

CHAPTER 274.

Joint Resolution Appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware at Georgetown.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Directors of
Farmers' Bank
at Georgetown

That William J. Thoroughgood, John H. Truitt and John G. Townsend, Jr., be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Georgetown.

Approved March 5, A. D. 1907.

RESOLUTIONS.

CHAPTER 275.

Joint Resolution Providing for the Adjournment of the General Assembly from January 1, 1907, to January 7, 1907.

Be it resolved by the Senate and House of Representatives in General Assembly met :

That when both Houses adjourn on this first day of Adjournment January, A. D. 1907, they adjourn to meet at 11 o'clock A. M. January 7, 1907.

Approved January 1, A. D. 1907.

CHAPTER 276.

Senate Joint Resolution Providing for the Adjournment of the Legislature to January 21, A. D. 1907.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That when the two Houses of the Legislature Adjournment adjourn this day they adjourn to Monday, January 21, A. D. 1907, at 10.30 o'clock A. M.

Approved January 17, A. D. 1907.

RESOLUTIONS.

CHAPTER 277.

House Joint Resolution Fixing the Time Beyond Which New Business will not be Received by the Present Session of the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Time limit for
new business

That no notices for new business will be received by either House of the General Assembly after Friday, February 15th, 1907.

Approved February 12th, A. D. 1907.

CHAPTER 278.

Joint Resolution Fixing the Date When Bills can be Presented to and Considered by the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Time limit for
new business

That no new bills excepting appropriation or claim bills, and resolutions shall be introduced in either House of the General Assembly after Tuesday, March 5th.

And be it further resolved, That no bills will be considered except appropriation or claim bills after Monday, March 18th.

Approved March 9, A. D. 1907.

RESOLUTIONS.

CHAPTER 279.

Senate Joint Resolution No. 15.

Joint Resolution Fixing the Date for Taking a Recess and also for the Adjournment sine die of the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the General Assembly shall, upon Monday the eighteenth day of March, A. D. 1907, take a recess until Monday, March 25, A. D. 1907, upon which said last mentioned date, to wit, March 25, A. D. 1907, it shall adjourn "sine die."

Approved March 9, A. D. 1907.

TITLES OF PRIVATE ACTS.

EXCLUDED FROM PUBLICATION.

CHAPTER 280.

An Act to change the name of James Monroe to the name of James Monroe Copeland.

Approved January 31, A. D. 1907.

CHAPTER 281.

An Act to change the name of Dudley Vernon Brown to Dudley Vernon Walker.

Approved February 19, A. D. 1907.

CHAPTER 282.

An Act to make valid and legal the marriage of Henry Jester and Julia A. Jester, his wife.

Approved March 1, A. D. 1907.

CHAPTER 283.

An Act to make valid a deed for a tract of land in Pencader Hundred.

Approved March 14, A. D. 1907.

TITLES OF PRIVATE ACTS.

CHAPTER 284.

An Act to confer Banking powers on the Liberty Trust Company, a corporation of the State of Delaware.

Approved March 29, A. D. 1907.

CHAPTER 285.

An Act to Incorporate the Felton Trust Company.

Approved April 9, A. D. 1907.

CHAPTER 286.

An Act to Incorporate "Mercantile Trust and Safe Deposit Company."

Approved April 9, A. D. 1907.

CHAPTER 287.

An Act to Incorporate the "Millsboro Trust and Safe Deposit Company."

Approved April 9, A. D. 1907.

CHAPTER 288.

An Act to Incorporate the "New Castle Trust and Safe Deposit Company."

Approved April 9, A. D. 1907.



SECRETARY'S OFFICE,

Dover, Delaware, September 24, 1907.

In obedience to the provisions and directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and Journals", I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the special session commenced on Thursday the thirty-first day of May, A. D. 1906, and ended on Thursday the fourteenth day of June, A. D. 1906, and at the regular biennial session commenced on Tuesday the first day of January A. D. 1907, and ended on the twenty-fifth day of March, A. D. 1907, and approved by the Governor.

Words and sentences marked with asterisks are printed as they appear on the enrolled bills.

JOSEPH L. CAHALL,
Secretary of State.



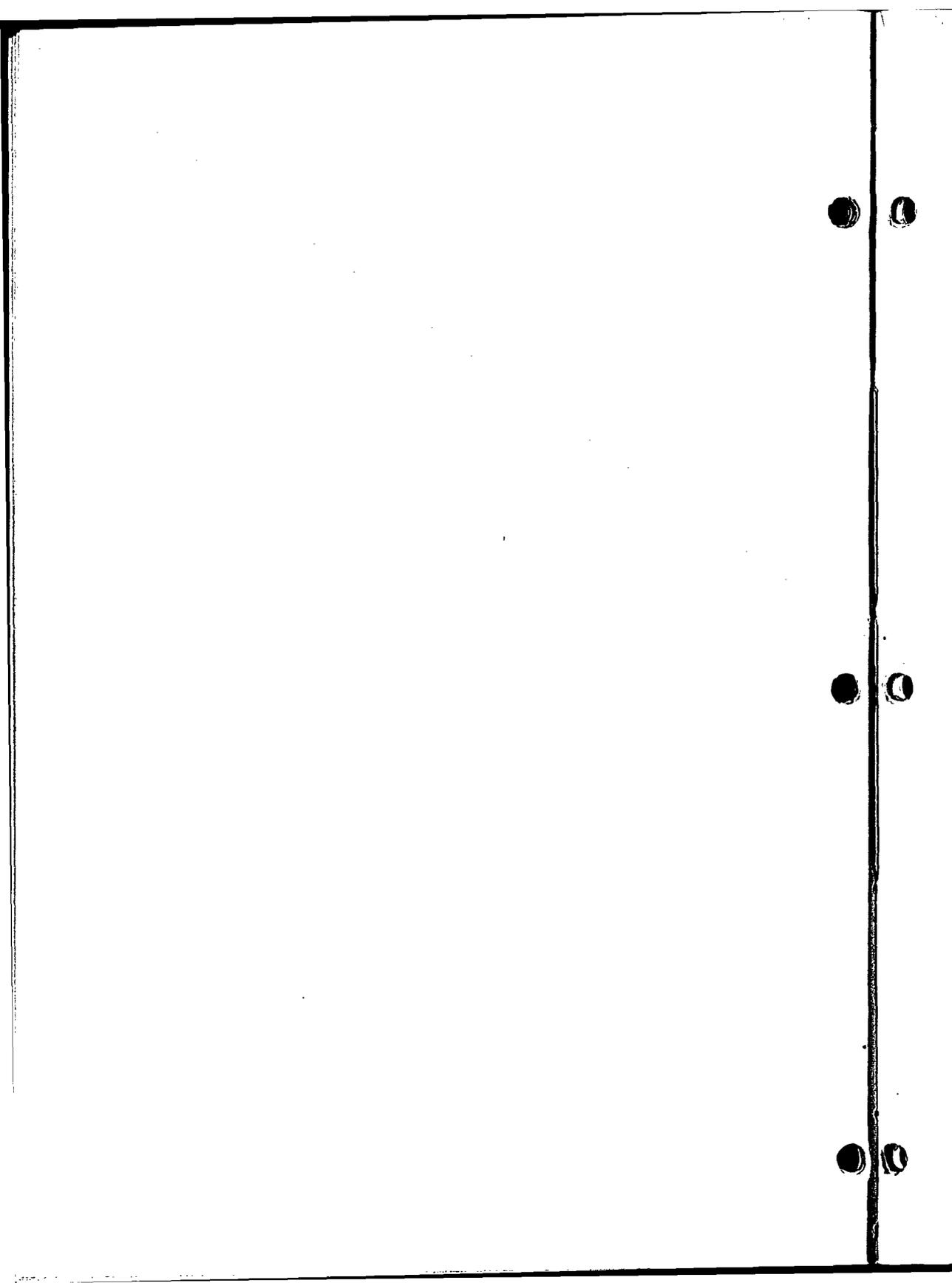
ERRATA.

The words "Funes for practical" where they occur in side note on page 188 should be "Funds for political".

The word "Secured" where it occurs in side note on page 220 should be "Second".

The word "Recirds" where it occurs in side note on page 265 should be "Records".

The word "Dury" where it occurs in side note on page 267 should be "Duty".



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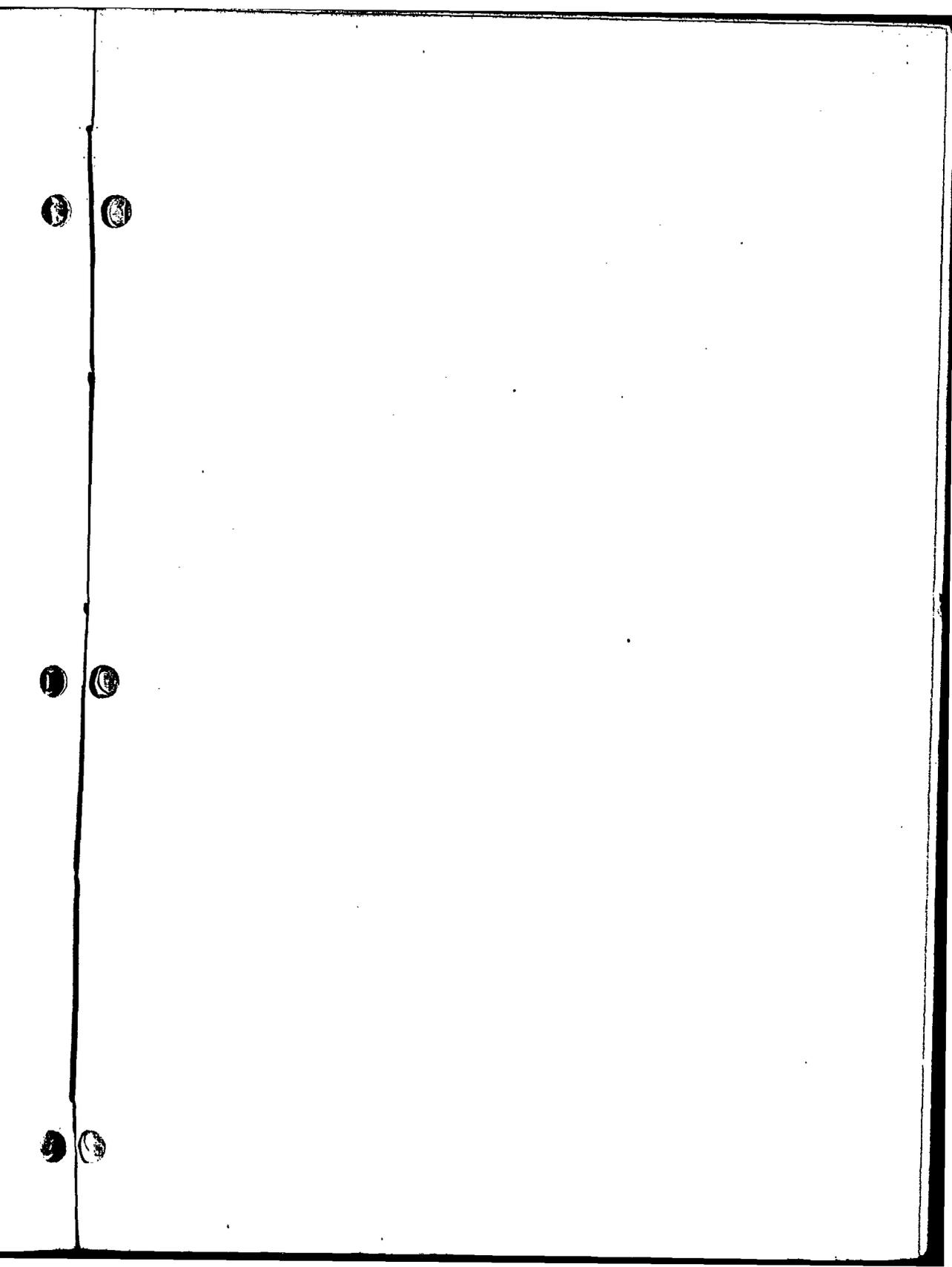
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